

By: Dutton

H.B. No. 2983

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Education Agency and to the abolition of the State Board for Educator Certification and the transfer of its functions to the Texas Education Agency; changing the amounts of certain fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7.004, Education Code, is amended to read as follows:

Sec. 7.004. SUNSET PROVISION. The Texas Education Agency is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the agency is abolished September 1, 2025 [~~2013~~].

SECTION 2. Section 7.021(a), Education Code, is amended to read as follows:

(a) The agency shall:

(1) distribute state and federal funding to public schools and ensure the proper use of those funds;

(2) monitor public schools for compliance with state and federal guidelines;

(3) administer the statewide standardized testing program and accountability systems;

(4) provide assistance to and impose interventions and sanctions on public schools that consistently fail to meet state or federal accountability standards;

1 (5) provide support to the board in developing
2 statewide curriculum standards, adopting instructional materials,
3 managing the instructional materials allotment and distribution
4 process, and carrying out duties related to the permanent school
5 fund;

6 (6) collect, analyze, and make accessible a wide array
7 of educational and financial data from public schools;

8 (7) ensure the quality of public school educators by
9 certifying educators, regulating educator preparation programs,
10 and taking enforcement action in cases of educator misconduct; and

11 (8) carry out any other duties imposed on the agency by
12 the legislature ~~[perform the educational functions provided by~~
13 ~~Subsection (b)].~~

14 SECTION 3. Subchapter B, Chapter 7, Education Code, is
15 amended by adding Section 7.0235 to read as follows:

16 Sec. 7.0235. RESTRICTIONS ON AGENCY EMPLOYMENT. (a) In
17 this section, "Texas trade association" means a cooperative and
18 voluntarily joined statewide association of business or
19 professional competitors in this state designed to assist its
20 members and its industry or profession in dealing with mutual
21 business or professional problems and in promoting their common
22 interest.

23 (b) A person may not be an agency employee employed in a
24 "bona fide executive, administrative, or professional capacity,"
25 as that phrase is used for purposes of establishing an exemption to
26 the overtime provisions of the federal Fair Labor Standards Act of
27 1938 (29 U.S.C. Section 201 et seq.), if:

1 (1) the person is an officer, employee, or paid
2 consultant of a Texas trade association in the field of elementary
3 or secondary education; or

4 (2) the person's spouse is an officer, manager, or paid
5 consultant of a Texas trade association in the field of elementary
6 or secondary education.

7 (c) A person may not act as the general counsel to the
8 commissioner or the agency if the person is required to register as
9 a lobbyist under Chapter 305, Government Code, because of the
10 person's activities for compensation on behalf of a profession
11 related to the operation of the agency.

12 SECTION 4. Subchapter B, Chapter 7, Education Code, is
13 amended by adding Sections 7.034, 7.035, and 7.036 to read as
14 follows:

15 Sec. 7.034. PUBLIC INVOLVEMENT POLICY. The agency shall
16 develop and implement a policy regarding public involvement with
17 the agency. The policy must:

18 (1) describe how the agency will proactively engage
19 stakeholders;

20 (2) distinguish the purposes and appropriate uses of
21 advisory committees and informal work groups, including by
22 specifying that an informal work group:

23 (A) is not subject to Chapter 2110, Government
24 Code; and

25 (B) must have a well-defined purpose and follow
26 specific timelines for completing tasks;

27 (3) identify actions the agency will take that exceed

1 the minimum open meetings requirements under Chapter 551,
2 Government Code;

3 (4) include a strategy for providing updated
4 information regarding advisory committees and issues of concern to
5 stakeholders through the agency's Internet website; and

6 (5) describe how public input will affect agency
7 decisions, including by providing information regarding the
8 specific outcomes for all types of public input.

9 Sec. 7.035. COMPLAINTS. (a) The agency shall maintain a
10 system to promptly and efficiently act on complaints filed with the
11 agency. The agency shall maintain information about parties to the
12 complaint, the subject matter of the complaint, a summary of the
13 results of the review or investigation of the complaint, and its
14 disposition.

15 (b) The agency shall make information available describing
16 its procedures for complaint investigation and resolution.

17 (c) The agency shall periodically notify the complaint
18 parties of the status of the complaint until final disposition.

19 Sec. 7.036. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
20 RESOLUTION. (a) The agency shall develop and implement a policy to
21 encourage the use of:

22 (1) negotiated rulemaking procedures under Chapter
23 2008, Government Code, for the adoption of agency rules; and

24 (2) appropriate alternative dispute resolution
25 procedures under Chapter 2009, Government Code, to assist in the
26 resolution of internal and external disputes under the agency's
27 jurisdiction.

1 (b) The agency's procedures relating to alternative dispute
2 resolution must conform, to the extent possible, to any model
3 guidelines issued by the State Office of Administrative Hearings
4 for the use of alternative dispute resolution by state agencies.

5 (c) The agency shall:

6 (1) coordinate the implementation of the policy
7 adopted under Subsection (a);

8 (2) provide training as needed to implement the
9 procedures for negotiated rulemaking or alternative dispute
10 resolution; and

11 (3) collect data concerning the effectiveness of those
12 procedures.

13 SECTION 5. Section 7.055(a), Education Code, is amended to
14 read as follows:

15 (a) The commissioner shall:

16 (1) serve as the educational leader of the state;

17 (2) serve as executive officer of the agency, with
18 authority to:

19 (A) employ division heads and any other employees
20 and clerks necessary to perform the duties of the agency;

21 (B) delegate ministerial and executive functions
22 to agency staff;

23 (C) appoint advisory committees, in accordance
24 with Chapter 2110, Government Code, as necessary to advise the
25 commissioner in carrying out the duties and mission of the agency;
26 and

27 (D) appoint an internal auditor for the agency;

1 and

2 (3) carry out the duties imposed on the commissioner
3 by the legislature [~~has the powers and duties provided by~~
4 ~~Subsection (b)]].~~

5 SECTION 6. Section 7.055(b)(9), Education Code, is
6 transferred to Subchapter A, Chapter 7, Education Code,
7 redesignated as Section 7.011, Education Code, and amended to read
8 as follows:

9 Sec. 7.011. TEXAS SCHOOL LAW BULLETIN. [~~(9)~~] The
10 commissioner shall have a bulletin [~~manual~~] published at least once
11 every two years that contains Title 1 and this title, any other
12 provisions of this code relating specifically to public primary or
13 secondary education, and an appendix of all other state laws
14 relating to public primary or secondary education. The
15 commissioner [~~and~~] shall provide for the distribution of the
16 bulletin [~~manual~~] as determined by the board.

17 SECTION 7. Section 7.055(b)(40), Education Code, is
18 transferred to Subchapter A, Chapter 21, Education Code,
19 redesignated as Section 21.009, Education Code, and amended to read
20 as follows:

21 Sec. 21.009. SUSPENSION RELATING TO COLLECTIVE BARGAINING
22 OR STRIKES. [~~(40)~~] The commissioner shall suspend the certificate
23 of an educator or permit of a teacher who violates Chapter 617,
24 Government Code.

25 SECTION 8. Subchapter C, Chapter 7, Education Code, is
26 amended by adding Section 7.064 to read as follows:

27 Sec. 7.064. ADVISORY COMMITTEE RULES. (a) The

1 commissioner shall adopt rules, in compliance with Chapter 2110,
2 Government Code, regarding an advisory committee that primarily
3 functions to advise the commissioner or the agency, including rules
4 governing an advisory committee's purpose, tasks, reporting
5 requirements, and abolishment date.

6 (b) The commissioner may adopt rules under this section
7 regarding an advisory committee's:

- 8 (1) size and quorum requirements;
- 9 (2) qualifications for membership, including
10 experience requirements and geographic representation;
- 11 (3) appointment procedures;
- 12 (4) terms of service; and
- 13 (5) compliance with the requirements for open meetings
14 under Chapter 551, Government Code.

15 SECTION 9. Section 12.102, Education Code, is amended to
16 read as follows:

17 Sec. 12.102. AUTHORITY UNDER CHARTER. An open-enrollment
18 charter school:

19 (1) shall provide instruction to students at one or
20 more elementary or secondary grade levels as provided by the
21 charter;

22 (2) is governed under the governing structure
23 described by the charter;

24 (3) retains authority to operate under the charter:

25 (A) contingent on satisfactory student
26 performance as provided by the charter in accordance with Section
27 12.111; and

1 (B) to the extent authorized under Section
2 12.1141; and

3 (4) does not have authority to impose taxes.

4 SECTION 10. Section 12.111(a), Education Code, is amended
5 to read as follows:

6 (a) Each charter granted under this subchapter must:

7 (1) describe the educational program to be offered,
8 which must include the required curriculum as provided by Section
9 28.002;

10 (2) specify that the period for which the initial
11 charter or any charter renewal is valid is eight years;

12 (3) provide that continuation or renewal of the
13 charter is contingent on:

14 (A) acceptable student performance on assessment
15 instruments adopted under Subchapter B, Chapter 39, and ~~[on]~~
16 compliance with any accountability provision specified by the
17 charter, by a deadline or at intervals specified by the charter; and

18 (B) a determination by the commissioner under
19 Section 12.1141;

20 (4) establish the level of student performance that is
21 considered acceptable for purposes of Subdivision (3)(A) ~~[(3)]~~;

22 (5) specify any basis, in addition to a basis
23 specified by this subchapter, on which the charter may be placed on
24 probation or revoked or on which renewal of the charter may be
25 denied;

26 (6) prohibit discrimination in admission policy on the
27 basis of sex, national origin, ethnicity, religion, disability,

1 academic, artistic, or athletic ability, or the district the child
2 would otherwise attend in accordance with this code, although the
3 charter may:

4 (A) provide for the exclusion of a student who
5 has a documented history of a criminal offense, a juvenile court
6 adjudication, or discipline problems under Subchapter A, Chapter
7 37; and

8 (B) provide for an admission policy that requires
9 a student to demonstrate artistic ability if the school specializes
10 in performing arts;

11 (7) specify the grade levels to be offered;

12 (8) describe the governing structure of the program,
13 including:

14 (A) the officer positions designated;

15 (B) the manner in which officers are selected and
16 removed from office;

17 (C) the manner in which members of the governing
18 body of the school are selected and removed from office;

19 (D) the manner in which vacancies on that
20 governing body are filled;

21 (E) the term for which members of that governing
22 body serve; and

23 (F) whether the terms are to be staggered;

24 (9) specify the powers or duties of the governing body
25 of the school that the governing body may delegate to an officer;

26 (10) specify the manner in which the school will
27 distribute to parents information related to the qualifications of

1 each professional employee of the program, including any
2 professional or educational degree held by each employee, a
3 statement of any certification under Subchapter B, Chapter 21, held
4 by each employee, and any relevant experience of each employee;

5 (11) describe the process by which the person
6 providing the program will adopt an annual budget;

7 (12) describe the manner in which an annual audit of
8 the financial and programmatic operations of the program is to be
9 conducted, including the manner in which the person providing the
10 program will provide information necessary for the school district
11 in which the program is located to participate, as required by this
12 code or by State Board of Education rule, in the Public Education
13 Information Management System (PEIMS);

14 (13) describe the facilities to be used;

15 (14) describe the geographical area served by the
16 program; and

17 (15) specify any type of enrollment criteria to be
18 used.

19 SECTION 11. Section 12.1054(a), Education Code, is amended
20 to read as follows:

21 (a) A member of the governing body of a charter holder, a
22 member of the governing body of an open-enrollment charter school,
23 or an officer of an open-enrollment charter school is considered to
24 be a local public official for purposes of Chapter 171, Local
25 Government Code. For purposes of that chapter:

26 (1) a member of the governing body of a charter holder
27 or a member of the governing body or officer of an open-enrollment

1 charter school is considered to have a substantial interest in a
 2 business entity if a person related to the member or officer in the
 3 third degree by consanguinity or in the second degree by affinity,
 4 as determined under Chapter 573, Government Code, has a substantial
 5 interest in the business entity under Section 171.002, Local
 6 Government Code; and

7 (2) notwithstanding any provision of Subdivision (1),
 8 employees [~~Section 12.1054(1), an employee~~] of an open-enrollment
 9 charter school rated as acceptable [~~or higher~~] under Section 39.054
 10 for at least two of the preceding three school years may serve as
 11 members [~~a member~~] of the governing body of the charter holder or
 12 [~~of~~] the governing body of the school if the employees do not
 13 constitute a quorum of the governing body or any committee of the
 14 governing body; however, all members shall comply with the
 15 requirements of Sections 171.003-171.007, Local Government Code.

16 SECTION 12. Subchapter D, Chapter 12, Education Code, is
 17 amended by adding Section 12.1141 to read as follows:

18 Sec. 12.1141. RENEWAL OF CHARTER; REVIEW. (a) The charter
 19 of an open-enrollment charter school expires after eight years
 20 unless renewed by the commissioner.

21 (b) Under rules adopted by the commissioner, not later than
 22 the date on which a charter of an open-enrollment charter school
 23 expires under Subsection (a):

24 (1) a charter holder shall apply for a renewal of the
 25 charter; and

26 (2) the commissioner shall renew the charter for a
 27 term of eight years, deny renewal of the charter, or renew the

1 charter on a probationary basis as provided by Subsection (e).

2 (c) The commissioner by rule shall establish a review
3 process for the renewal of the charter of an open-enrollment
4 charter school. In establishing a review process for renewal under
5 this section, the commissioner shall:

6 (1) adopt clear standards for renewal, including
7 academic, financial, and governance standards and other relevant
8 standards as determined by the commissioner; and

9 (2) provide a streamlined review process for an
10 open-enrollment charter school with a history of high academic and
11 financial performance and no interventions or sanctions, including
12 clear standards for eligibility for this process.

13 (d) In conducting a review for renewal under this section,
14 the commissioner:

15 (1) shall consider the extent to which an
16 open-enrollment charter school has:

17 (A) met the standards established under
18 Subsection (c)(1); and

19 (B) operated in compliance with the terms of the
20 school's charter; and

21 (2) may request from the school any information
22 necessary, as determined by the commissioner, to make a
23 determination under this section.

24 (e) The commissioner may renew the charter of an
25 open-enrollment charter school on a probationary basis for a period
26 of one year. The commissioner shall establish standards for
27 improvement for a school renewed on a probationary basis.

1 Following the probationary period under this subsection, the
2 commissioner shall renew or deny renewal of the charter based on the
3 school's performance on the standards for improvement, as
4 determined by the commissioner.

5 (f) An open-enrollment charter school that intends to
6 challenge a decision by the commissioner under this section must
7 appeal the decision under the procedures provided under Section
8 12.116. An open-enrollment charter school may continue to operate
9 pending an appeal under Section 12.116.

10 (g) Not later than September 1, 2014, the commissioner shall
11 adopt rules for the implementation of this section. The rules may
12 modify the expiration date of one or more charters as necessary to
13 equalize the agency's annual renewal workload during the transition
14 to the renewal system required by this section. This subsection
15 expires October 1, 2014.

16 SECTION 13. Section 12.115, Education Code, is amended by
17 adding Subsections (c) and (d) to read as follows:

18 (c) The commissioner shall establish separate performance
19 standards for each of the actions authorized to be taken by the
20 commissioner under Subsection (a).

21 (d) In making a determination under Subsection (a), the
22 commissioner shall consider:

23 (1) the charter holder's history of violations of the
24 charter or performance on accountability provisions prescribed by
25 the charter;

26 (2) the number and severity of previous violations or
27 unsatisfactory performance on accountability provisions;

1 (3) the charter holder's efforts to correct, and
2 whether the charter holder corrected, previous violations or
3 unsatisfactory performance on accountability provisions; and

4 (4) any other actions necessary to deter future
5 violations or unsatisfactory performance on accountability
6 provisions, as determined by the commissioner.

7 SECTION 14. The heading to Section 12.116, Education Code,
8 is amended to read as follows:

9 Sec. 12.116. PROCEDURES [~~PROCEDURE~~] FOR MODIFICATION,
10 PLACEMENT ON PROBATION, REVOCATION, OR DENIAL OF RENEWAL.

11 SECTION 15. Sections 12.116(a) and (b), Education Code, are
12 amended to read as follows:

13 (a) The commissioner shall adopt procedures [~~a procedure~~]
14 to be used for modifying, placing on probation, revoking, or
15 denying renewal of the charter of an open-enrollment charter
16 school.

17 (b) The procedures [~~procedure~~] adopted under Subsection (a)
18 must provide an opportunity for a hearing to the charter holder and
19 to parents and guardians of students in the school. A hearing under
20 this subsection must be held at the facility at which the program is
21 operated.

22 SECTION 16. Section 12.1162(e), Education Code, is amended
23 to read as follows:

24 (e) Immediately after a hearing under Subsection (d), the
25 commissioner may [~~must~~] cease the action under Subsection (b) or
26 impose additional sanctions as determined by the commissioner,
27 including a sanction provision under Subchapter E, Chapter 39

1 ~~[initiate action under Section 12.116].~~

2 SECTION 17. Subchapter D, Chapter 12, Education Code, is
3 amended by adding Sections 12.1165, 12.1166, and 12.1167 to read as
4 follows:

5 Sec. 12.1165. REVOCATION REQUIRED FOR FAILURE TO MEET
6 ACADEMIC PERFORMANCE OR FINANCIAL ACCOUNTABILITY STANDARDS. (a)
7 The commissioner shall revoke the charter of an open-enrollment
8 charter school and order closure of all campuses and programs
9 operated under the school's charter if the open-enrollment charter
10 school:

11 (1) does not satisfy the academic performance
12 standards under Section 39.053 or 39.054 for three consecutive
13 years; or

14 (2) does not satisfy a financial accountability
15 standard, as determined by the commissioner, for three consecutive
16 years.

17 (b) Notwithstanding Section 12.116, a charter holder is not
18 entitled to a hearing before the charter is revoked under this
19 section. A revocation order under this section is final and may not
20 be appealed.

21 (c) Before the commissioner orders revocation under
22 Subsection (a), the charter holder may challenge under Section
23 39.151 an agency decision relating to an academic performance or
24 financial accountability rating that affects the open-enrollment
25 charter school.

26 (d) Not later than June 15 of each year, the agency shall
27 provide to each open-enrollment charter school at risk of

revocation of the school's charter under this section the school's academic performance and financial accountability ratings.

(d-1) Not later than June 1, 2014, the commissioner shall adopt rules to implement Subsection (d). This subsection expires July 1, 2014.

Sec. 12.1166. REVOCATION FOR INSOLVENCY. (a) If the commissioner determines that an open-enrollment charter school does not have sufficient funding to complete the next school year, the commissioner may:

(1) before the beginning of the next school year or term, suspend the authority of all campuses under the school's charter to operate; and

(2) pursue revocation of the charter.

(b) Not later than the 10th day after the date the commissioner initiates action under Subsection (a), the commissioner shall provide the charter holder an opportunity for a hearing.

(c) If after a hearing under Subsection (b) the commissioner determines that the open-enrollment charter school does not have sufficient funding to complete the next school year, the commissioner must proceed with a revocation under this section. If after a hearing under Subsection (b) the commissioner determines that the open-enrollment charter school does have sufficient funding to complete the next school year, the commissioner must cease the action under Subsection (a) or impose sanctions as determined by the commissioner, including a sanction under Subchapter E, Chapter 39.

1 (d) An open-enrollment charter school that intends to
2 challenge a decision by the commissioner under this section must
3 appeal the decision under the procedures provided under Section
4 12.116. The authority of an open-enrollment charter school to
5 operate shall remain suspended under Subsection (a) pending an
6 appeal under Section 12.116. The commissioner's decision following
7 the appeal is final and may not be further appealed.

8 (e) The commissioner shall adopt rules for determining
9 whether an open-enrollment charter school has sufficient funding to
10 complete the next school year for purposes of this section.

11 (e-1) The commissioner shall adopt initial rules under
12 Subsection (e) not later than March 1, 2014. This subsection
13 expires April 1, 2014.

14 Sec. 12.1167. STUDENT'S BEST INTEREST STANDARD. In taking
15 action under this subchapter, the commissioner shall consider the
16 best interest of an open-enrollment charter school's students.

17 SECTION 18. Section 12.118, Education Code, is amended to
18 read as follows:

19 Sec. 12.118. EVALUATION OF OPEN-ENROLLMENT CHARTER
20 SCHOOLS. (a) The commissioner shall designate an impartial
21 organization with experience in evaluating school choice programs
22 to conduct an ~~[annual]~~ evaluation of open-enrollment charter
23 schools once every four years.

24 (b) An evaluation under this section must include an
25 evaluation of cost, performance, or ~~[consideration of the following~~
26 ~~items before implementing the charter and after implementing the~~
27 ~~charter.~~

1 ~~[(1) students' scores on assessment instruments~~
2 ~~administered under Subchapter B, Chapter 39,~~

3 ~~[(2) student attendance,~~

4 ~~[(3) students' grades,~~

5 ~~[(4) incidents involving student discipline,~~

6 ~~[(5) socioeconomic data on students' families,~~

7 ~~[(6) parents' satisfaction with their children's~~
8 ~~schools; and~~

9 ~~[(7) students' satisfaction with their schools.~~

10 ~~[(c) The evaluation of open-enrollment charter schools must~~
11 ~~also include an evaluation of:~~

12 ~~[(1) the costs of instruction, administration, and~~
13 ~~transportation incurred by open-enrollment charter schools;~~

14 ~~[(2) the effect of open-enrollment charter schools on~~
15 ~~school districts and on teachers, students, and parents in those~~
16 ~~districts; and~~

17 ~~[(3)]~~ other issues, as determined by the commissioner.

18 (c) Not later than December 1 of each year in which an
19 evaluation is conducted under Subsection (a), the agency shall
20 submit a report to the legislature regarding the findings of an
21 evaluation conducted under this section. The report must include
22 appropriate recommendations, as determined by the agency, to
23 improve the performance and regulation of open-enrollment charter
24 schools.

25 (c-1) The agency shall submit the first report required
26 under Subsection (c) not later than December 1, 2016. This
27 subsection expires January 1, 2017.

SECTION 19. Section 12.120, Education Code, is amended by adding Subsections (c), (c-1), and (c-2) to read as follows:

(c) A person may not serve as a member of the governing body of a charter holder if the person is related to another member of the same governing body in the third degree by consanguinity or in the second degree by affinity.

(c-1) Not later than September 1, 2015, a member of a governing board of a charter holder with a relationship described by Subsection (c) must be replaced to comply with the requirements of that subsection.

(c-2) This subsection and Subsection (c-1) expire October 1, 2015.

SECTION 20. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1201 to read as follows:

Sec. 12.1201. MODIFICATION OF GOVERNANCE. (a) If the commissioner determines that the governing body of a charter holder is not providing adequate oversight of an open-enrollment charter school and other sanctions have not been effective, the commissioner may reconstitute the governing body.

(b) In reconstituting the governing body of a charter holder under this section, the commissioner shall appoint members to the governing body in accordance with the bylaws of the charter holder. In appointing members under this subsection the commissioner:

(1) shall consider:

(A) local input from community members and parents; and

(B) appropriate credentials and expertise for

1 membership, including financial expertise, whether the person
2 lives in the charter district, and whether the person is an
3 educator; and

4 (2) may reappoint current members of the governing
5 body.

6 (c) If a governing body of a charter holder subject to
7 reconstitution under this section governs enterprises other than
8 the open-enrollment charter school, the commissioner may require
9 the charter holder to:

10 (1) create a new, single-purpose organization that is
11 exempt from taxation under Section 501(c)(3), Internal Revenue Code
12 of 1986, to govern the open-enrollment charter school; and

13 (2) surrender the charter to the commissioner for
14 transfer to the organization created under Subdivision (1).

15 (d) The commissioner shall appoint the members of the
16 governing body of an organization created under Subsection (c)(1).

17 (e) The authority granted to the commissioner under
18 Subsection (c) does not supersede the attorney general's authority
19 over charitable organizations.

20 (f) The commissioner shall adopt rules necessary to
21 implement this section.

22 (f-1) The commissioner shall adopt initial rules under
23 Subsection (f) not later than September 1, 2014. This subsection
24 expires October 1, 2014.

25 SECTION 21. Section 13.005(a), Education Code, is amended
26 to read as follows:

27 (a) Except as provided by this section, Section 13.054, or

1 ~~[by]~~ a local consolidation agreement under Section 13.158, the
2 annexation of all or part of the territory of one district to
3 another is effective on the first July 1 that is more than 30 days
4 after the date of the order or ordinance accomplishing the
5 annexation or of the declaration of the results of an election at
6 which the transfer is approved.

7 SECTION 22. Subchapter B, Chapter 13, Education Code, is
8 amended by adding Section 13.0521 to read as follows:

9 Sec. 13.0521. INSOLVENT OR INOPERATIVE DISTRICT. (a) The
10 board of trustees of a school district may notify the commissioner
11 that the district is unable to complete the current or subsequent
12 school year for financial or other reasons. On notification, the
13 commissioner shall investigate the finances and other
14 circumstances of the district. If the commissioner determines that
15 the district is unable to complete the current or subsequent school
16 year, the commissioner shall report the district to the
17 commissioners court of each county that contains district territory
18 for annexation as provided by this section.

19 (b) If a district has failed to operate school for 10 or more
20 days of its regular school year, the commissioner shall notify the
21 district that it is subject to annexation under this section. The
22 commissioner shall require the district to submit a plan not later
23 than the 10th day after the date the commissioner provides
24 notification describing how the district will complete the current
25 school year and subsequent school year. If the district fails to
26 submit a plan, or if the commissioner, after evaluating the
27 district's plan, determines that the district cannot reasonably be

1 expected to complete the current or subsequent school year, the
2 commissioner shall report the district to the commissioners court
3 of each county that contains district territory for annexation as
4 provided by this section.

5 (c) Each commissioners court by order shall annex district
6 territory within the county to one or more other districts in the
7 county or to a contiguous district in an adjacent county, provided
8 that the commissioners court of the adjacent county consents to the
9 annexation. An annexation under this section must occur in an open
10 meeting with opportunity for public comment.

11 (d) If a commissioners court fails to order annexation of
12 district territory on or before the 60th day after the date the
13 commissioner reports the district to the commissioners court, the
14 commissioner shall order annexation of the territory to one or more
15 other districts. The commissioner may annex the territory to a
16 district in the same county or to a contiguous district in an
17 adjacent county.

18 (e) The commissioners court or the commissioner, as
19 applicable, shall specify the effective date for the annexation,
20 which may not be later than the first anniversary of the date of the
21 annexation order. The order shall identify the district or
22 districts required to serve students residing in the district to be
23 annexed through any school year that begins before the effective
24 date of the annexation. A district required to serve students under
25 this subsection shall provide services equivalent to those provided
26 to the district's other students and shall be entitled to funding
27 for the attendance and transportation of students served as

1 required by the order.

2 (f) The annexation order shall define by legal boundary
3 description the resulting territory of each district to which
4 territory is annexed and shall be recorded in the minutes of the
5 commissioners court.

6 (g) The governing board of a district to which territory is
7 annexed is the governing board for the resulting district.

8 (h) Title to real property of the annexed district vests in
9 the district to which the property is annexed. Each district to
10 which territory is annexed assumes and is liable for any portion of
11 the annexed district's indebtedness that is allocated to the
12 receiving district under Section 13.004.

13 (i) A district to which territory is annexed under this
14 section is entitled to incentive aid under Section 13.281, as
15 determined by the commissioner, as if the district were created
16 through consolidation.

17 (j) The annexation order shall provide for taxation of the
18 territory annexed during the year in which the annexation takes
19 place. The order shall provide for a levy of a tax at a rate at
20 least equal to the lower of the maintenance and operations tax rate
21 of the annexed district or the district to which the territory is
22 annexed, plus any required interest and sinking fund tax.

23 (k) Except as otherwise provided by this subsection, this
24 section does not affect the authority of the board of trustees of a
25 district subject to annexation under this section to pursue
26 consolidation under Subchapter D of this chapter or Subchapter B,
27 Chapter 41. Actions authorized under this section may be taken

pending the outcome of an election to consolidate districts under Subchapter D of this chapter or a decision to consolidate under Subchapter B, Chapter 41. An election to consolidate or a decision to consolidate under Subchapter B, Chapter 41, that occurs not later than the 60th day following the date an annexation order is entered under this section prevails over the annexation order if the proposition for consolidation is adopted in both districts, provided that a district required to serve students under Subsection (e) shall allow any student to attend school through the completion of the school year in which the effective date of a consolidation occurs. An election to consolidate or a decision to consolidate under Subchapter B, Chapter 41, that occurs later than the 60th day following the date an annexation order is entered under this section is void.

(l) Notwithstanding Section 13.009, a determination by the commissioner or a commissioners court under this section is final and may not be appealed.

(m) The commissioner may adopt rules to implement this section.

SECTION 23. Section 13.054, Education Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (h) to read as follows:

(a) The commissioner by order may annex to one or more ~~adjoining~~ districts a school district that has received an accreditation status of accredited-warned or accredited-probation, has failed to satisfy any standard under Section 39.054(e), or has failed to satisfy financial accountability standards as determined

1 by commissioner rule ~~[been rated as academically unacceptable]~~ for
2 a period of two consecutive years.

3 (b) The governing board of a district to which territory ~~[of~~
4 ~~an academically unacceptable district]~~ is annexed is the governing
5 board for the new district.

6 (d) Title to the real property of the ~~[academically~~
7 ~~unacceptable]~~ district to be annexed vests in the district to which
8 the property is annexed. Each district to which territory is
9 annexed assumes and is liable for any portion of the ~~[academically~~
10 ~~unacceptable district's]~~ indebtedness of the district to be annexed
11 that is allocated to the receiving district under Section 13.004.

12 (h) Notwithstanding Section 13.005, the commissioner may
13 provide for an alternate effective date for an annexation under
14 this section if the alternate date is in the best interest of
15 students.

16 SECTION 24. Sections 21.0031(a), (b-1), and (f), Education
17 Code, are amended to read as follows:

18 (a) An employee's probationary, continuing, or term
19 contract under this chapter is void if the employee:

20 (1) does not hold a valid certificate or permit issued
21 by the commissioner ~~[State Board for Educator Certification];~~

22 (2) fails to fulfill the requirements necessary to
23 renew or extend the employee's temporary, probationary, or
24 emergency certificate or any other certificate or permit issued
25 under Subchapter B; or

26 (3) fails to comply with any requirement under
27 Subchapter C, Chapter 22, if the failure results in suspension or

1 revocation of the employee's certificate under Section
2 22.0831(f)(2).

3 (b-1) A school district may not terminate or suspend under
4 Subsection (b) an employee whose contract is void under Subsection
5 (a)(1) or (2) because the employee failed to renew or extend the
6 employee's certificate or permit if the employee:

7 (1) requests an extension from the commissioner [~~State~~
8 ~~Board for Educator Certification~~] to renew, extend, or otherwise
9 validate the employee's certificate or permit; and

10 (2) not later than the 10th day after the date the
11 contract is void, takes necessary measures to renew, extend, or
12 otherwise validate the employee's certificate or permit, as
13 determined by the commissioner [~~State Board for Educator~~
14 ~~Certification~~].

15 (f) For purposes of this section, a certificate or permit is
16 not considered to have expired if:

17 (1) the employee has completed the requirements for
18 renewal of the certificate or permit;

19 (2) the employee submitted the request for renewal
20 prior to the expiration date; and

21 (3) the date the certificate or permit would have
22 expired is before the date the commissioner [~~State Board for~~
23 ~~Educator Certification~~] takes action to approve the renewal of the
24 certificate or permit.

25 SECTION 25. Sections 21.004(a), (b), (c), (d), and (e),
26 Education Code, are amended to read as follows:

27 (a) To the extent that funds are available, the agency[, ~~the~~

1 ~~State Board for Educator Certification,~~] and the Texas Higher
2 Education Coordinating Board shall develop and implement programs
3 to identify talented students and recruit those students and
4 persons, including high school and undergraduate students,
5 mid-career and retired professionals, honorably discharged and
6 retired military personnel, and members of underrepresented gender
7 and ethnic groups, into the teaching profession.

8 (b) From available funds, the agency[~~, the State Board for~~
9 ~~Educator Certification,~~] and the Texas Higher Education
10 Coordinating Board shall develop and distribute materials that
11 emphasize the importance of the teaching profession and inform
12 individuals about state-funded loan forgiveness and tuition
13 assistance programs.

14 (c) The commissioner, in cooperation with the commissioner
15 of higher education [~~and the executive director of the State Board~~
16 ~~for Educator Certification,~~], shall annually identify the need for
17 teachers in specific subject areas and geographic regions and among
18 underrepresented groups. The commissioner shall give priority to
19 developing and implementing recruitment programs to address those
20 needs from the agency's discretionary funds.

21 (d) The agency[~~, the State Board for Educator~~
22 ~~Certification,~~] and the Texas Higher Education Coordinating Board
23 shall encourage the business community to cooperate with local
24 schools to develop recruiting programs designed to attract and
25 retain capable teachers, including programs to provide summer
26 employment opportunities for teachers.

27 (e) The agency[~~, the State Board for Educator~~

1 ~~Certification,~~] and the Texas Higher Education Coordinating Board
2 shall encourage major education associations to cooperate in
3 developing a long-range program promoting teaching as a career and
4 to assist in identifying local activities and resources that may be
5 used to promote the teaching profession.

6 SECTION 26. Sections 21.006(b), (b-1), (c), (d), (e), (f),
7 and (g), Education Code, are amended to read as follows:

8 (b) In addition to the reporting requirement under Section
9 261.101, Family Code, the superintendent or director of a school
10 district, open-enrollment charter school, regional education
11 service center, or shared services arrangement shall notify the
12 commissioner [~~State Board for Educator Certification~~] if [~~the~~
13 ~~superintendent or director has reasonable cause to believe that~~]:

14 (1) an educator [~~employed by or~~] seeking employment by
15 the district, school, service center, or shared services
16 arrangement has a criminal record or the criminal record of an
17 educator employed by the district, school, service center, or
18 shared services arrangement changes, as determined by commissioner
19 rule;

20 (2) an educator's employment at the district, school,
21 service center, or shared services arrangement was terminated based
22 on a determination that the educator:

23 (A) abused or otherwise committed an unlawful act
24 with a student or minor;

25 (A-1) was involved in a romantic relationship
26 with or solicited or engaged in sexual contact with a student or
27 minor;

1 (B) possessed, transferred, sold, or distributed
2 a controlled substance, as defined by Chapter 481, Health and
3 Safety Code, or by 21 U.S.C. Section 801 et seq.~~[, and its~~
4 ~~subsequent amendments]~~;

5 (C) illegally transferred, appropriated, or
6 expended funds or other property of the district, school, service
7 center, or shared services arrangement;

8 (D) attempted by fraudulent or unauthorized
9 means to obtain or alter a professional certificate or license for
10 the purpose of promotion or additional compensation; or

11 (E) committed a criminal offense or any part of a
12 criminal offense on school property or at a school-sponsored event;

13 (3) the educator resigned and reasonable evidence
14 supports a recommendation by the superintendent or director to
15 terminate the educator based on a determination that the educator
16 engaged in misconduct described by Subdivision (2); or

17 (4) the educator engaged in conduct that violated the
18 assessment instrument security procedures established under
19 Section 39.0301.

20 (b-1) A superintendent or director of a school district or
21 open-enrollment charter school shall complete an investigation of
22 an educator that is based on a reasonable suspicion ~~[cause]~~ to
23 believe the educator may have engaged in misconduct described by
24 Subsection (b)(2)(A) or (A-1), despite the educator's resignation
25 from district or school employment before completion of the
26 investigation. The agency shall establish procedures for an
27 investigation under this subsection.

1 (c) The superintendent or director must notify the
2 commissioner [~~State Board for Educator Certification~~] by filing a
3 report with the commissioner [~~board~~] not later than the seventh day
4 after the date the superintendent or director first learns about a
5 change in an employee's criminal record under Subsection (b)(1) or
6 a termination of employment or resignation following an alleged
7 incident of misconduct described by Subsection (b). The report
8 must be:

9 (1) in writing; and

10 (2) in a form prescribed by the commissioner [~~board~~].

11 (d) The superintendent or director shall notify the board of
12 trustees or governing body of the school district, open-enrollment
13 charter school, regional education service center, or shared
14 services arrangement and the educator of the filing of the report
15 required by Subsection (c).

16 (e) A superintendent or director who in good faith and while
17 acting in an official capacity files a report with the commissioner
18 [~~State Board for Educator Certification~~] under this section is
19 immune from civil or criminal liability that might otherwise be
20 incurred or imposed.

21 (f) The commissioner [~~State Board for Educator~~
22 ~~Certification~~] shall determine whether to impose sanctions against
23 a superintendent or director who fails to file a report in violation
24 of Subsection (c).

25 (g) The commissioner [~~State Board for Educator~~
26 ~~Certification~~] shall adopt [~~propose~~] rules as necessary to
27 implement this section.

SECTION 27. Sections 21.007(b), (c), (d), (e), and (f), Education Code, are amended to read as follows:

(b) The commissioner ~~[board]~~ shall adopt a procedure for placing a notice of alleged misconduct on an educator's public certification records. The procedure adopted by the commissioner ~~[board]~~ must provide for immediate placement of a notice of alleged misconduct on an educator's public certification records if the alleged misconduct presents a risk to the health, safety, or welfare of a student or minor as determined by the commissioner ~~[board]~~.

(c) The commissioner ~~[board]~~ must notify an educator in writing when placing a notice of an alleged incident of misconduct on the public certification records of the educator.

(d) The commissioner ~~[board]~~ must provide an opportunity for an educator to show cause why the notice should not be placed on the educator's public certification records. The commissioner ~~[board]~~ shall adopt ~~[propose]~~ rules establishing the length of time that a notice may remain on the educator's public certification records before the commissioner ~~[board]~~ must:

(1) initiate a proceeding to impose a sanction on the educator on the basis of the alleged misconduct; or

(2) remove the notice from the educator's public certification records.

(e) If it is determined that the educator has not engaged in the alleged incident of misconduct, the commissioner ~~[board]~~ shall immediately remove the notice from the educator's public certification records.

(f) The commissioner [~~board~~] shall adopt [~~propose~~] rules necessary to administer this section.

SECTION 28. Section 21.031, Education Code, is amended to read as follows:

Sec. 21.031. COMMISSIONER ROLE IN CERTIFICATION OF EDUCATORS [~~PURPOSE~~]. (a) [~~The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession.~~] The commissioner [~~board~~] shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

(b) In adopting [~~proposing~~] rules under this subchapter, the commissioner [~~board~~] shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

SECTION 29. Section 21.040, Education Code, is amended to read as follows:

Sec. 21.040. ADVISORY COMMITTEE [~~GENERAL POWERS AND DUTIES OF BOARD~~]. (a) The commissioner [~~board~~] shall [+]

[~~(1) supervise the executive director's performance,~~
~~(2) approve an operating budget for the board and make a request for appropriations,~~

[~~(3) appoint the members of any advisory committee to the board,~~

[~~(4) for each class of educator certificate,~~] appoint an advisory committee [~~composed of members of that class~~] to

1 recommend standards for educator certification and educator
2 preparation programs [~~that class~~] to the commissioner [~~board,~~

3 [~~(5) provide to its members and employees, as often as~~
4 ~~necessary, information regarding their qualifications for office~~
5 ~~or employment under this chapter and their responsibilities under~~
6 ~~applicable laws relating to standards of conduct for state officers~~
7 ~~or employees,~~

8 [~~(6) develop and implement policies that clearly~~
9 ~~define the respective responsibilities of the board and the board's~~
10 ~~staff, and~~

11 [~~(7) execute interagency contracts to perform routine~~
12 ~~administrative functions]~~.

13 (b) In appointing the members of the advisory committee
14 established under this section, the commissioner shall ensure the
15 committee has a balanced representation of teachers,
16 administrators, school counselors, and representatives of both
17 traditional and alternative certification educator preparation
18 programs.

19 SECTION 30. Sections 21.041(b), (c), and (d), Education
20 Code, are amended to read as follows:

21 (b) The commissioner [~~board~~] shall adopt [~~propose~~] rules
22 that:

23 (1) provide for the regulation of educators and the
24 general administration of this subchapter in a manner consistent
25 with this subchapter;

26 (2) specify the classes of educator certificates to be
27 issued, including emergency certificates;

1 (3) specify the period for which each class of
2 educator certificate is valid;

3 (4) specify the requirements for the issuance and
4 renewal of an educator certificate;

5 (5) provide for the issuance of an educator
6 certificate to a person who holds a similar certificate issued by
7 another state or foreign country, subject to Section 21.052;

8 (6) provide for special or restricted certification of
9 educators, including certification of instructors of American Sign
10 Language;

11 (7) provide for disciplinary proceedings, including
12 the suspension or revocation of an educator certificate, as
13 provided by Chapter 2001, Government Code;

14 (8) provide for the adoption, amendment, and
15 enforcement of an educator's code of ethics;

16 (9) provide for continuing education requirements;
17 and

18 (10) provide for certification of persons performing
19 appraisals under Subchapter H.

20 (c) The commissioner ~~[board]~~ shall adopt ~~[propose]~~ a rule
21 establishing ~~[adopting]~~ a fee for the issuance and maintenance of
22 an educator certificate that, when combined with any fees imposed
23 under Subsection (d), is adequate to cover the cost of
24 administration of this subchapter.

25 (d) The commissioner ~~[board]~~ may adopt ~~[propose]~~ a rule
26 establishing ~~[adopting]~~ a fee for the approval or renewal of
27 approval of an educator preparation program, or for the addition of

1 a certificate or field of certification to the scope of a program's
2 approval. A fee imposed under this subsection may not exceed the
3 amount necessary, as determined by the commissioner [~~board~~], to
4 provide for the administrative cost of approving, renewing the
5 approval of, and appropriately ensuring the accountability of
6 educator preparation programs under this subchapter.

7 SECTION 31. Section 21.044, Education Code, as amended by
8 Chapters 635 (S.B. 866) and 926 (S.B. 1620), Acts of the 82nd
9 Legislature, Regular Session, 2011, is reenacted and amended to
10 read as follows:

11 Sec. 21.044. EDUCATOR PREPARATION. (a) The commissioner
12 [~~board~~] shall adopt [~~propose~~] rules establishing the training
13 requirements a person must accomplish to obtain a certificate,
14 enter an internship, or enter an induction-year program. The
15 commissioner [~~board~~] shall specify the minimum academic
16 qualifications required for a certificate.

17 (b) Any minimum academic qualifications for a certificate
18 specified under Subsection (a) that require a person to possess a
19 bachelor's degree must also require that the person receive, as
20 part of the curriculum for that degree, instruction in detection
21 and education of students with dyslexia. This subsection does not
22 apply to a person who obtains a certificate through an alternative
23 certification program adopted under Section 21.049.

24 (c) The instruction under Subsection (b) must:

25 (1) be developed by a panel of experts in the diagnosis
26 and treatment of dyslexia who are:

27 (A) employed by institutions of higher

1 education; and

2 (B) approved by the commissioner ~~[board]~~; and

3 (2) include information on:

4 (A) characteristics of dyslexia;

5 (B) identification of dyslexia; and

6 (C) effective, multisensory strategies for
7 teaching students with dyslexia.

8 (d) ~~[(b)]~~ In adopting ~~[proposing]~~ rules under this section,
9 the commissioner ~~[board]~~ shall specify that to obtain a certificate
10 to teach an "applied STEM course," as that term is defined by
11 Section 28.027, at a secondary school, a person must:

12 (1) pass the certification test administered by the
13 recognized national or international business and industry group
14 that created the curriculum the applied STEM course is based on; and

15 (2) have at a minimum:

16 (A) an associate degree from an accredited
17 institution of higher education; and

18 (B) three years of work experience in an
19 occupation for which the applied STEM course is intended to prepare
20 the student.

21 SECTION 32. Section 21.045, Education Code, is amended to
22 read as follows:

23 Sec. 21.045. ACCOUNTABILITY SYSTEM FOR EDUCATOR
24 PREPARATION PROGRAMS; PROGRAM APPROVAL AND RENEWAL. (a) The
25 commissioner ~~[board]~~ shall adopt ~~[propose]~~ rules establishing
26 standards to govern the approval and continuing accountability of
27 all educator preparation programs based on the following

1 information that is disaggregated with respect to sex and
2 ethnicity:

3 (1) results of the certification examinations
4 prescribed under Section 21.048(a);

5 (2) performance based on the appraisal system for
6 beginning teachers adopted by the commissioner [~~board~~];

7 (3) achievement, including improvement in
8 achievement, of students taught by beginning teachers for the first
9 three years following certification, to the extent practicable; and

10 (4) compliance with commissioner [~~board~~] requirements
11 regarding the frequency, duration, and quality of structural
12 guidance and ongoing support provided by field supervisors to
13 beginning teachers during their first year in the classroom.

14 (b) Each educator preparation program shall submit data
15 elements as required by the commissioner [~~board~~] for an annual
16 performance report to ensure access and equity. At a minimum, the
17 annual report must contain the performance data from Subsection
18 (a), other than the data required for purposes of Subsection
19 (a)(3), and the following information, disaggregated by sex and
20 ethnicity:

21 (1) the number of candidates who apply;

22 (2) the number of candidates admitted;

23 (3) the number of candidates retained;

24 (4) the number of candidates completing the program;

25 (5) the number of candidates employed in the
26 profession after completing the program;

27 (6) the number of candidates retained in the

1 profession; and

2 (7) any other information required by federal law.

3 (c) The commissioner ~~[board]~~ shall adopt ~~[propose]~~ rules
4 establishing performance standards for the Accountability System
5 for Educator Preparation for accrediting educator preparation
6 programs. At a minimum, performance standards must be based on
7 Subsection (a).

8 (d) The commissioner shall adopt ~~[board may propose]~~ rules
9 establishing minimum standards for approval or renewal of approval
10 of:

11 (1) educator preparation programs; or

12 (2) certification fields authorized to be offered by
13 an educator preparation program.

14 (e) In adopting rules establishing minimum standards for
15 renewal of approval of educator preparation programs under
16 Subsection (d)(1), the commissioner shall require that each
17 educator preparation program obtain renewal of approval every five
18 years. The commissioner shall adopt an evaluation process to be
19 used for purposes of educator preparation program renewal. To be
20 eligible for renewal and continued accreditation, an educator
21 preparation program must meet basic standards and requirements to
22 adequately prepare candidates for educator certification, as
23 determined by the commissioner.

24 SECTION 33. The heading to Section 21.0451, Education Code,
25 is amended to read as follows:

26 Sec. 21.0451. SANCTIONS ~~[UNDER ACCOUNTABILITY SYSTEM]~~ FOR
27 EDUCATOR PREPARATION PROGRAMS.

SECTION 34. Section 21.0451, Education Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) The commissioner ~~[board]~~ shall adopt ~~[propose]~~ rules for the sanction of educator preparation programs that do not meet accountability standards or comply with state law or commissioner rules and shall annually review the accreditation status of each educator preparation program. The rules:

(1) shall provide for the assignment of the following accreditation statuses:

- (A) not rated;
- (B) accredited;
- (C) accredited-warned;
- (D) accredited-probation; and
- (E) not accredited-revoked;

(2) may provide for the agency to take any necessary action, including one or more of the following actions:

(A) requiring the program to obtain technical assistance approved by the agency ~~[or board]~~;

(B) requiring the program to obtain professional services under contract with another person;

(C) appointing a monitor to participate in and report to the commissioner ~~[board]~~ on the activities of the program; and

(D) if a program has been rated as accredited-probation ~~[under the Accountability System for Educator Preparation]~~ for a period of at least one year, revoking the

1 approval of the program and ordering the program to be closed,
2 provided that the [~~board or~~] agency must provide the opportunity
3 for a hearing before the effective date of the closure; and

4 (3) shall provide for the agency to revoke the
5 approval of the program and order the program to be closed if the
6 program has been rated as accredited-probation [~~under the~~
7 ~~Accountability System for Educator Preparation~~] for three
8 consecutive years, provided that the [~~board or~~] agency must provide
9 the opportunity for a hearing before the effective date of the
10 closure.

11 (e) The commissioner shall adopt procedures to ensure that
12 sanctions under this section are applied fairly.

13 (f) The commissioner shall:

14 (1) provide information regarding sanctions under
15 this section to each educator preparation program; and

16 (2) provide information to at-risk educator
17 preparation programs about sanctions the specific program could
18 face, including the consequences of those sanctions, a timeline for
19 the program to comply with rules and meet accreditation standards,
20 and how to appeal a sanction under this section.

21 SECTION 35. Section 21.0452, Education Code, is amended to
22 read as follows:

23 Sec. 21.0452. CONSUMER INFORMATION REGARDING EDUCATOR
24 PREPARATION PROGRAMS. (a) To assist persons interested in
25 obtaining teaching certification in selecting an educator
26 preparation program and assist school districts in making staffing
27 decisions, the commissioner [~~board~~] shall make information

1 regarding educator programs in this state available to the public
2 through the agency's [~~board's~~] Internet website.

3 (b) The commissioner [~~board~~] shall make available at least
4 the following information regarding each educator preparation
5 program:

6 (1) the information specified in Sections 21.045(a)
7 and (b);

8 (2) in addition to any other appropriate information
9 indicating the quality of persons admitted to the program, the
10 average academic qualifications possessed by persons admitted to
11 the program, including:

12 (A) average overall grade point average and
13 average grade point average in specific subject areas; and

14 (B) average scores on the Scholastic Assessment
15 Test (SAT), the American College Test (ACT), or the Graduate Record
16 Examination (GRE), as applicable;

17 (3) the degree to which persons who complete the
18 program are successful in obtaining teaching positions;

19 (4) the extent to which the program prepares teachers,
20 including general education teachers and special education
21 teachers, to effectively teach:

22 (A) students with disabilities; and

23 (B) students of limited English proficiency, as
24 defined by Section 29.052;

25 (5) the activities offered by the program that are
26 designed to prepare teachers to:

27 (A) integrate technology effectively into

1 curricula and instruction, including activities consistent with
2 the principles of universal design for learning; and

3 (B) use technology effectively to collect,
4 manage, and analyze data to improve teaching and learning for the
5 purpose of increasing student academic achievement;

6 (6) the perseverance of beginning teachers in the
7 profession, as determined on the basis of the number of beginning
8 teachers who maintain status as active contributing members in the
9 Teacher Retirement System of Texas for at least three years after
10 certification in comparison to similar programs;

11 (7) the results of exit surveys given to program
12 participants on completion of the program that involve evaluation
13 of the program's effectiveness in preparing participants to succeed
14 in the classroom; and

15 (8) the results of surveys given to school principals
16 that involve evaluation of the program's effectiveness in preparing
17 participants to succeed in the classroom, based on experience with
18 employed program participants.

19 (c) For purposes of Subsection (b)(7), the commissioner
20 [~~board~~] shall require an educator preparation program to distribute
21 an exit survey that a program participant must complete before the
22 participant is eligible to receive a certificate under this
23 subchapter.

24 (d) For purposes of Subsections (b)(7) and (8), the
25 commissioner [~~board~~] shall develop surveys for distribution to
26 program participants and school principals.

27 (e) The commissioner [~~board~~] may develop procedures under

which each educator preparation program receives a designation or ranking based on the information required to be made available under Subsection (b). If the commissioner [~~board~~] develops procedures under this subsection, the designation or ranking received by each program must be included in the information made available under this section.

(f) In addition to other information required to be made available under this section, the commissioner [~~board~~] shall provide information identifying employment opportunities for teachers in the various regions of this state. The commissioner [~~board~~] shall specifically identify each region of this state in which a shortage of qualified teachers exists.

(g) The commissioner [~~board~~] may require any person to provide information to the commissioner [~~board~~] for purposes of this section.

SECTION 36. Subchapter B, Chapter 21, Education Code, is amended by adding Sections 21.0454 and 21.0455 to read as follows:

Sec. 21.0454. RISK FACTORS FOR EDUCATOR PREPARATION PROGRAMS; RISK-ASSESSMENT MODEL. (a) The commissioner shall develop a set of risk factors to use in assessing the overall risk level of each educator preparation program. The set of risk factors must include:

(1) a history of the program's compliance with state law and commissioner rules, standards, and procedures;

(2) the program's operational standards;

(3) whether the program meets the accountability standards under Section 21.045; and

1 (4) whether the program is accredited by other
2 organizations.

3 (b) The agency shall use the set of risk factors developed
4 under Subsection (a) to guide the agency in conducting monitoring,
5 inspections, and compliance audits of educator preparation
6 programs, including evaluations associated with renewals under
7 Section 21.045(e).

8 Sec. 21.0455. COMPLAINTS REGARDING EDUCATOR PREPARATION
9 PROGRAMS. (a) The commissioner shall adopt rules establishing a
10 process for a candidate for teacher certification to direct a
11 complaint against an educator preparation program to the agency.

12 (b) The commissioner by rule shall require an educator
13 preparation program to notify candidates for teacher certification
14 of the complaint process adopted under Subsection (a). The notice
15 must include the name, mailing address, telephone number, and
16 Internet website address of the agency for the purpose of directing
17 complaints to the agency. The educator preparation program shall
18 provide for that notification:

19 (1) on the Internet website of the educator
20 preparation program, if the program maintains a website;

21 (2) on a sign prominently displayed in program
22 facilities; and

23 (3) in any newsletter distributed by the educator
24 preparation program, if the program distributes a newsletter.

25 (c) The commissioner shall post the complaint process
26 adopted under Subsection (a) on the agency's Internet website.

27 (d) The agency has no authority to arbitrate or resolve

1 contractual or commercial issues between an educator preparation
2 program and a candidate for teacher certification.

3 SECTION 37. Sections 21.046(c) and (d), Education Code, are
4 amended to read as follows:

5 (c) Because an effective principal is essential to school
6 improvement, the commissioner [~~board~~] shall ensure that:

7 (1) each candidate for certification as a principal is
8 of the highest caliber; and

9 (2) multi-level screening processes, validated
10 comprehensive assessment programs, and flexible internships with
11 successful mentors exist to determine whether a candidate for
12 certification as a principal possesses the essential knowledge,
13 skills, and leadership capabilities necessary for success.

14 (d) In creating the qualifications for certification as a
15 principal, the commissioner [~~board~~] shall consider the knowledge,
16 skills, and proficiencies for principals as developed by relevant
17 national organizations and the State Board of Education.

18 SECTION 38. Sections 21.047(a) and (b), Education Code, are
19 amended to read as follows:

20 (a) The commissioner [~~board~~] may develop the process for the
21 establishment of centers for professional development through
22 institutions of higher education for the purpose of integrating
23 technology and innovative teaching practices in the preservice and
24 staff development training of public school teachers and
25 administrators. An institution of higher education with a teacher
26 education program may develop a center through a collaborative
27 process involving public schools, regional education service

1 centers, and other entities or businesses. A center may contract
2 with other entities to develop materials and provide training.

3 (b) On application by a center, the commissioner [~~board~~]
4 shall make grants to the center for its programs from funds derived
5 from gifts, grants, and legislative appropriations for that
6 purpose. The commissioner [~~board~~] shall award the grants on a
7 competitive basis according to requirements established by
8 commissioner [~~the board~~] rules.

9 SECTION 39. Sections 21.048(a), (b), and (c), Education
10 Code, are amended to read as follows:

11 (a) The commissioner [~~board~~] shall adopt [~~propose~~] rules
12 prescribing comprehensive examinations for each class of
13 certificate issued by the commissioner [~~board~~].

14 (b) The commissioner [~~board~~] may not administer a written
15 examination to determine the competence or level of performance of
16 an educator who has a hearing impairment unless the examination has
17 been field tested to determine its appropriateness, reliability,
18 and validity as applied to, and minimum acceptable performance
19 scores for, persons with hearing impairments.

20 (c) An educator who has a hearing impairment is exempt from
21 taking a written examination for a period ending on the first
22 anniversary of the date on which the commissioner [~~board~~]
23 determines, on the basis of appropriate field tests, that the
24 examination complies with the standards specified in Subsection
25 (b). On application to the commissioner [~~board~~], the commissioner
26 [~~board~~] shall issue a temporary exemption certificate to a person
27 entitled to an exemption under this subsection.

SECTION 40. Section 21.0481, Education Code, is amended to read as follows:

Sec. 21.0481. MASTER READING TEACHER CERTIFICATION. (a) To ensure that there are teachers with special training to work with other teachers and with students in order to improve student reading performance, the commissioner [~~board~~] shall establish a master reading teacher certificate.

(b) The commissioner [~~board~~] shall issue a master reading teacher certificate to each eligible person.

(c) To be eligible for a master reading teacher certificate, a person must:

(1) hold a reading specialist certificate issued under this subchapter and satisfactorily complete a course of instruction as prescribed under Subdivision (2)(B); or

(2) hold a teaching certificate issued under this subchapter and:

(A) have at least three years of teaching experience;

(B) satisfactorily complete a knowledge-based and skills-based course of instruction on the science of teaching children to read that includes training in:

(i) effective reading instruction techniques, including effective techniques for students whose primary language is a language other than English;

(ii) identification of dyslexia and related reading disorders and effective reading instruction techniques for students with those disorders; and

(iii) effective professional peer mentoring techniques;

(C) perform satisfactorily on the master reading teacher certification examination prescribed by the commissioner ~~[board]~~; and

(D) satisfy any other requirements prescribed by the commissioner ~~[board]~~.

SECTION 41. Section 21.0482, Education Code, is amended to read as follows:

Sec. 21.0482. MASTER MATHEMATICS TEACHER CERTIFICATION.

(a) To ensure that there are teachers with special training to work with other teachers and with students in order to improve student mathematics performance, the commissioner ~~[board]~~ shall establish:

(1) a master mathematics teacher certificate to teach mathematics at elementary school grade levels;

(2) a master mathematics teacher certificate to teach mathematics at middle school grade levels; and

(3) a master mathematics teacher certificate to teach mathematics at high school grade levels.

(b) The commissioner ~~[board]~~ shall issue the appropriate master mathematics teacher certificate to each eligible person.

(c) To be eligible for a master mathematics teacher certificate, a person must:

(1) hold a teaching certificate issued under this subchapter;

(2) have at least three years of teaching experience;

(3) satisfactorily complete a knowledge-based course

1 of instruction on the science of teaching children mathematics that
2 includes training in mathematics instruction and professional peer
3 mentoring techniques that, through scientific testing, have been
4 proven effective;

5 (4) perform satisfactorily on the appropriate master
6 mathematics teacher certification examination prescribed by the
7 commissioner [~~board~~]; and

8 (5) satisfy any other requirements prescribed by the
9 commissioner [~~board~~].

10 (d) The course of instruction prescribed under Subsection
11 (c)(3) shall be developed by the commissioner [~~board~~] in
12 consultation with mathematics and science faculty members at
13 institutions of higher education.

14 SECTION 42. Section 21.0483, Education Code, is amended to
15 read as follows:

16 Sec. 21.0483. MASTER TECHNOLOGY TEACHER CERTIFICATION. (a)
17 To ensure that there are teachers with special training to work with
18 other teachers and with students in order to increase the use of
19 technology in each classroom, the commissioner [~~board~~] shall
20 establish a master technology teacher certificate.

21 (b) The commissioner [~~board~~] shall issue a master
22 technology teacher certificate to each eligible person.

23 (c) To be eligible for a master technology teacher
24 certificate, a person must:

25 (1) hold a technology applications or Technology
26 Education certificate issued under this subchapter, satisfactorily
27 complete the course of instruction prescribed under Subdivision

(2)(B), and satisfactorily perform on the examination prescribed under Subdivision (2)(C); or

(2) hold a teaching certificate issued under this subchapter and:

(A) have at least three years of teaching experience;

(B) satisfactorily complete a knowledge-based and skills-based course of instruction on interdisciplinary technology applications and the science of teaching technology that includes training in:

(i) effective technology instruction techniques, including applications designed to meet the educational needs of students with disabilities;

(ii) classroom teaching methodology that engages student learning through the integration of technology;

(iii) digital learning competencies, including Internet research, graphics, animation, website mastering, and video technologies;

(iv) curriculum models designed to prepare teachers to facilitate an active student learning environment; and

(v) effective professional peer mentoring techniques;

(C) satisfactorily perform on an examination administered at the conclusion of the course of instruction prescribed under Paragraph (B); and

(D) satisfy any other requirements prescribed by the commissioner ~~[board]~~.

1 (d) The commissioner [~~board~~] may provide technology
2 applications training courses under Subsection (c)(2)(B) in
3 cooperation with:

4 (1) regional education service centers; and

5 (2) other public or private entities, including any
6 state council on technology.

7 SECTION 43. Section 21.0484, Education Code, is amended to
8 read as follows:

9 Sec. 21.0484. MASTER SCIENCE TEACHER CERTIFICATION. (a)
10 To ensure that there are teachers with special training to work with
11 other teachers and with students in order to improve student
12 science performance, the commissioner [~~board~~] shall establish:

13 (1) a master science teacher certificate to teach
14 science at elementary school grade levels;

15 (2) a master science teacher certificate to teach
16 science at middle school grade levels; and

17 (3) a master science teacher certificate to teach
18 science at high school grade levels.

19 (b) The commissioner [~~board~~] shall issue the appropriate
20 master science teacher certificate to each eligible person.

21 (c) To be eligible for a master science teacher certificate,
22 a person must:

23 (1) hold a teaching certificate issued under this
24 subchapter;

25 (2) have at least three years of teaching experience;

26 (3) satisfactorily complete a knowledge-based course
27 of instruction on the science of teaching children science that

1 includes training in science instruction and professional peer
2 mentoring techniques that, through scientific testing, have been
3 proven effective;

4 (4) perform satisfactorily on the appropriate master
5 science teacher certification examination prescribed by the
6 commissioner [~~board~~]; and

7 (5) satisfy any other requirements prescribed by the
8 commissioner [~~board~~].

9 (d) The course of instruction prescribed under Subsection
10 (c)(3) shall be developed by the commissioner [~~board~~] in
11 consultation with science faculty members at institutions of higher
12 education.

13 SECTION 44. Section 21.0485(a), Education Code, is amended
14 to read as follows:

15 (a) To be eligible to be issued a certificate to teach
16 students with visual impairments, a person must:

17 (1) complete either:

18 (A) all course work required for that
19 certification in an approved educator preparation program; or

20 (B) an alternative educator certification
21 program approved for the purpose by the commissioner [~~board~~];

22 (2) perform satisfactorily on each examination
23 prescribed under Section 21.048 for certification to teach students
24 with visual impairments, after completing the course work or
25 program described by Subdivision (1); and

26 (3) satisfy any other requirements prescribed by the
27 commissioner [~~board~~].

SECTION 45. Section 21.049, Education Code, is amended to read as follows:

Sec. 21.049. ALTERNATIVE CERTIFICATION. (a) To provide a continuing additional source of qualified educators, the commissioner ~~[board]~~ shall adopt ~~[propose]~~ rules providing for educator certification programs as an alternative to traditional educator preparation programs. The rules may not provide that a person may be certified under this section only if there is a demonstrated shortage of educators in a school district or subject area.

(b) The commissioner ~~[board]~~ may not require a person employed as a teacher in an alternative education program under Section 37.008 or a juvenile justice alternative education program under Section 37.011 for at least three years to complete an alternative educator certification program adopted under this section before taking the appropriate certification examination.

SECTION 46. Sections 21.050(a) and (b), Education Code, are amended to read as follows:

(a) A person who applies for a teaching certificate for which commissioner ~~[board]~~ rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to the curriculum as prescribed under Subchapter A, Chapter 28.

(b) The commissioner ~~[board]~~ may not require more than 18 semester credit hours of education courses at the baccalaureate level for the granting of a teaching certificate. The commissioner

1 ~~[board]~~ shall provide for a minimum number of semester credit hours
2 of internship to be included in the hours needed for certification.
3 The commissioner ~~[board]~~ may adopt ~~[propose]~~ rules requiring
4 additional credit hours for certification in bilingual education,
5 English as a second language, early childhood education, or special
6 education.

7 SECTION 47. Sections 21.051(c), (d), (e), and (f),
8 Education Code, are amended to read as follows:

9 (c) Subsection (b) applies only to an initial certification
10 issued on or after September 1, 2012. Subsection (b) does not
11 affect:

12 (1) the validity of a certification issued before
13 September 1, 2012; or

14 (2) the eligibility of a person who holds a
15 certification issued before September 1, 2012, to obtain a
16 subsequent renewal of the certification in accordance with
17 commissioner ~~[board]~~ rule.

18 (d) Subsection (b) does not affect the period within which
19 an individual must complete field-based experience hours as
20 determined by commissioner ~~[board]~~ rule if the individual is not
21 accepted into an educator preparation program before the deadline
22 prescribed by commissioner ~~[board]~~ rule and is hired for a teaching
23 assignment by a school district after the deadline prescribed by
24 commissioner ~~[board]~~ rule.

25 (e) The commissioner ~~[board]~~ shall adopt ~~[propose]~~ rules
26 relating to the field-based experience required by Subsection (b),
27 including rules establishing ~~[- The commissioner by rule shall~~

1 ~~adopt~~] procedures and standards for recognizing a private school
2 under Subsection (b)(2).

3 (f) The commissioner [~~board~~] shall adopt [~~propose~~] rules
4 providing flexible options for persons for any field-based
5 experience or internship required for certification.

6 SECTION 48. Sections 21.052(a), (c), (d), (e), (f), and
7 (h), Education Code, are amended to read as follows:

8 (a) The commissioner [~~board~~] may issue a certificate to an
9 educator who applies for a certificate and:

10 (1) holds:

11 (A) a degree issued by an institution accredited
12 by a regional accrediting agency or group that is recognized by a
13 nationally recognized accreditation board; or

14 (B) a degree issued by an institution located in
15 a foreign country, if the degree is equivalent to a degree described
16 by Paragraph (A);

17 (2) holds an appropriate certificate or other
18 credential issued by another state or country; and

19 (3) performs satisfactorily on:

20 (A) the examination prescribed under Section
21 21.048; or

22 (B) if the educator holds a certificate or other
23 credential issued by another state or country, an examination
24 similar to and at least as rigorous as that described by Paragraph
25 (A) administered to the educator under the authority of that state.

26 (c) The commissioner [~~board~~] may issue a temporary
27 certificate under this section to an educator who holds a degree

1 required by Subsection (a)(1) and a certificate or other credential
 2 required by Subsection (a)(2) but who has not satisfied the
 3 requirements prescribed by Subsection (a)(3). Subject to
 4 Subsection (d), the commissioner [~~board~~] may specify the term of a
 5 temporary certificate issued under this subsection.

6 (d) A temporary certificate issued under Subsection (c) to
 7 an educator employed by a school district that has constructed or
 8 expanded at least one instructional facility as a result of
 9 increased student enrollment due to actions taken under the Defense
 10 Base Closure and Realignment Act of 1990 (10 U.S.C. Section 2687)
 11 may not expire before the first anniversary of the date on which the
 12 commissioner [~~board~~] completes the review of the educator's
 13 credentials and informs the educator of the examination or
 14 examinations under Section 21.048 on which the educator must
 15 perform successfully to receive a standard certificate.

16 (e) An educator who has submitted all documents required by
 17 the commissioner [~~board~~] for certification and who receives a
 18 certificate as provided by Subsection (a) must perform
 19 satisfactorily on the examination prescribed under Section 21.048
 20 not later than the first anniversary of the date the commissioner
 21 [~~board~~] completes the review of the educator's credentials and
 22 informs the educator of the examination or examinations under
 23 Section 21.048 on which the educator must perform successfully to
 24 receive a standard certificate.

25 (f) The commissioner [~~board~~] shall post on the
 26 commissioner's [~~board's~~] Internet website the procedures for
 27 obtaining a certificate under Subsection (a).

1 (h) This subsection applies only to an applicant who holds a
2 certificate or other credential issued by another state in
3 mathematics, science, special education, or bilingual education,
4 or another subject area that the commissioner determines has a
5 shortage of teachers. In any state fiscal year, the commissioner
6 ~~[board]~~ shall accept or reject, not later than the 14th day after
7 the date the commissioner ~~[board]~~ receives the completed
8 application, at least 90 percent of the applications the
9 commissioner ~~[board]~~ receives for a certificate under this
10 subsection, and shall accept or reject all completed applications
11 the commissioner ~~[board]~~ receives under this subsection not later
12 than the 30th day after the date the commissioner ~~[board]~~ receives
13 the completed application. An applicant under this subsection must
14 submit:

15 (1) a letter of good standing from the state in which
16 the teacher is certified on a form determined by the commissioner
17 ~~[board]~~;

18 (2) information necessary to complete a national
19 criminal history record information review; and

20 (3) an application fee as required by the commissioner
21 ~~[board]~~.

22 SECTION 49. Section 21.054(a), Education Code, is amended
23 to read as follows:

24 (a) The commissioner ~~[board]~~ shall adopt ~~[propose]~~ rules
25 establishing a process for identifying continuing education
26 courses and programs that fulfill educators' continuing education
27 requirements.

SECTION 50. Section 21.055(a), Education Code, is amended to read as follows:

(a) As provided by this section, a school district may issue a school district teaching permit and employ as a teacher a person who does not hold a teaching certificate issued by the commissioner ~~[board]~~.

SECTION 51. Section 21.056, Education Code, is amended to read as follows:

Sec. 21.056. ADDITIONAL CERTIFICATION. The commissioner ~~[board]~~ by rule shall provide for a certified educator to qualify for additional certification to teach at a grade level or in a subject area not covered by the educator's certificate upon satisfactory completion of an examination or other assessment of the educator's qualification.

SECTION 52. Section 21.057(d), Education Code, is amended to read as follows:

(d) For purposes of this section, "inappropriately certified or uncertified teacher":

(1) includes:

(A) an individual serving on an emergency certificate issued under Section 21.041(b)(2); or

(B) an individual who does not hold any certificate or permit issued under this chapter and is not employed as specified by Subdivision (2)(E); and

(2) does not include an individual:

(A) who is a certified teacher assigned to teach a class or classes outside his or her area of certification, as

determined by rules adopted [~~proposed~~] by the commissioner [~~board~~]
in specifying the certificate required for each assignment;

(B) serving on a certificate issued due to a
hearing impairment under Section 21.048;

(C) serving on a certificate issued pursuant to
enrollment in an approved alternative certification program under
Section 21.049;

(D) certified by another state or country and
serving on a certificate issued under Section 21.052;

(E) serving on a school district teaching permit
issued under Section 21.055; or

(F) employed under a waiver granted by the
commissioner pursuant to Section 7.056.

SECTION 53. Sections 21.058(b) and (d), Education Code, are
amended to read as follows:

(b) Notwithstanding Section 21.041(b)(7), not later than
the fifth day after the date the commissioner [~~board~~] receives
notice under Article 42.018, Code of Criminal Procedure, of the
conviction of a person who holds a certificate under this
subchapter, the commissioner [~~board~~] shall:

(1) revoke the certificate held by the person; and

(2) provide to the person and to any school district or
open-enrollment charter school employing the person at the time of
revocation written notice of:

(A) the revocation; and

(B) the basis for the revocation.

(d) A person whose certificate is revoked under Subsection

(b) may reapply for a certificate in accordance with commissioner
~~[board]~~ rules.

SECTION 54. Section 21.060, Education Code, is amended to
read as follows:

Sec. 21.060. ELIGIBILITY OF PERSONS CONVICTED OF CERTAIN
OFFENSES. The commissioner ~~[board]~~ may suspend or revoke the
certificate or permit held by a person under this subchapter,
impose other sanctions against the person, or refuse to issue a
certificate or permit to a person under this subchapter if the
person has been convicted of a felony or misdemeanor offense
relating to the duties and responsibilities of the education
profession, including:

(1) an offense involving moral turpitude;

(2) an offense involving a form of sexual or physical
abuse of a minor or student or other illegal conduct in which the
victim is a minor or student;

(3) a felony offense involving the possession,
transfer, sale, or distribution of or conspiracy to possess,
transfer, sell, or distribute a controlled substance, as defined by
Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et
seq.;

(4) an offense involving the illegal transfer,
appropriation, or use of school district funds or other district
property; or

(5) an offense involving an attempt by fraudulent or
unauthorized means to obtain or alter a professional certificate or
license issued under this subchapter.

SECTION 55. Subchapter B, Chapter 21, Education Code, is amended by adding Sections 21.062 and 21.063 to read as follows:

Sec. 21.062. ISSUANCE OF SUBPOENAS. (a) During an investigation by the commissioner of an educator for an alleged incident of misconduct, the commissioner may issue a subpoena to compel the production, for inspection or copying, of relevant evidence that is located in this state.

(b) A subpoena may be served personally or by certified mail.

(c) If a person fails to comply with a subpoena, the commissioner, acting through the attorney general, may file suit to enforce the subpoena in a district court in this state. On finding that good cause exists for issuing the subpoena, the court shall order the person to comply with the subpoena. The court may punish a person who fails to obey the court order.

(d) All information and materials subpoenaed or compiled in connection with an investigation described by Subsection (a) are confidential and not subject to disclosure under Chapter 552, Government Code.

Sec. 21.063. DISCIPLINARY MATRIX. (a) The commissioner shall create a matrix to provide guidelines for ensuring the fair and consistent application of disciplinary sanctions for educators certified under this chapter who commit violations of this chapter or a rule adopted under this chapter. In developing the matrix, the commissioner shall consider the range of appropriate sanctions available for a violation based on:

(1) the severity of the violation;

1 (2) the number of repeat violations;

2 (3) whether the sanction serves as a deterrent to
3 subsequent violations; and

4 (4) any aggravating or mitigating factors.

5 (b) The matrix developed under Subsection (a) does not
6 prevent the commissioner from exercising discretion based on the
7 specific circumstances of an individual case.

8 (c) In developing the matrix under Subsection (a), the
9 commissioner shall provide for public comment.

10 (d) The commissioner shall make the matrix developed under
11 Subsection (a) available to the public through posting the matrix
12 on the agency's Internet website and through other appropriate
13 means.

14 SECTION 56. Section 21.105(c), Education Code, is amended
15 to read as follows:

16 (c) On written complaint by the employing district, the
17 commissioner [~~State Board for Educator Certification~~] may impose
18 sanctions against a teacher employed under a probationary contract
19 who:

20 (1) resigns;

21 (2) fails without good cause to comply with Subsection
22 (a) or (b); and

23 (3) fails to perform the contract.

24 SECTION 57. Section 21.160(c), Education Code, is amended
25 to read as follows:

26 (c) On written complaint by the employing district, the
27 commissioner [~~State Board for Educator Certification~~] may impose

1 sanctions against a teacher who is employed under a continuing
2 contract that obligates the district to employ the person for the
3 following school year and who:

4 (1) resigns;

5 (2) fails without good cause to comply with Subsection
6 (a) or (b); and

7 (3) fails to perform the contract.

8 SECTION 58. Section 21.210(c), Education Code, is amended
9 to read as follows:

10 (c) On written complaint by the employing district, the
11 commissioner [~~State Board for Educator Certification~~] may impose
12 sanctions against a teacher who is employed under a term contract
13 that obligates the district to employ the person for the following
14 school year and who:

15 (1) resigns;

16 (2) fails without good cause to comply with Subsection
17 (a) or (b); and

18 (3) fails to perform the contract.

19 SECTION 59. Section 21.253(a), Education Code, is amended
20 to read as follows:

21 (a) A teacher must file a written request for a hearing
22 under this subchapter with the district [~~commissioner~~] not later
23 than the 15th day after the date the teacher receives written notice
24 of the proposed action. [~~The teacher must provide the district with~~
25 ~~a copy of the request and must provide the commissioner with a copy~~
26 ~~of the notice.~~]

27 SECTION 60. Sections 21.254(b) and (e), Education Code, are

1 amended to read as follows:

2 (b) If a hearing examiner is not selected by the parties to a
3 pending case under Subsection (e), the ~~[The]~~ commissioner shall
4 immediately assign the hearing examiner for a particular case by
5 selecting the next person named on the list who resides within
6 reasonable proximity to the district as determined by the
7 commissioner. The commissioner may not change the order of names
8 once the order is established under this section, except that once
9 each hearing examiner on the list has been assigned to a case, the
10 names shall be randomly reordered. When a hearing examiner has been
11 assigned to a case, the commissioner shall immediately notify the
12 parties. An assignment under this section is final.

13 (e) After the teacher receives the notice of the proposed
14 action, the parties by agreement may select a hearing examiner from
15 the list maintained by the commissioner under Subsection (a) or a
16 person who is not certified to serve as a hearing examiner. A
17 person who is not a certified hearing examiner may be selected only
18 if the person is licensed to practice law in this state. If the
19 parties do not agree on a hearing examiner, the parties shall
20 request an assignment from ~~[, before the date the commissioner is~~
21 ~~permitted to assign a hearing examiner, notify]~~ the commissioner
22 under Subsection (b) ~~[in writing of the agreement, including the~~
23 ~~name of the hearing examiner selected]~~.

24 SECTION 61. Section 21.255(d), Education Code, is amended
25 to read as follows:

26 (d) If the hearing examiner is unable to continue presiding
27 over a case at any time before issuing a recommendation or decision,

1 the parties shall select by agreement or request the assignment of
2 another hearing examiner under Section 21.254 who, after a review
3 of the record, shall perform any remaining functions without the
4 necessity of repeating any previous proceedings.

5 SECTION 62. Section 21.4021(g), Education Code, is amended
6 to read as follows:

7 (g) If a board of trustees adopts a furlough program after
8 the date by which a teacher must give notice of resignation under
9 Section 21.105, 21.160, or 21.210, as applicable, a teacher who
10 subsequently resigns is not subject to sanctions imposed by the
11 commissioner [~~State Board for Educator Certification~~] as otherwise
12 authorized by those sections.

13 SECTION 63. Section 21.503, Education Code, is amended to
14 read as follows:

15 Sec. 21.503. ELIGIBILITY. A person is eligible for the
16 program if the person:

17 (1) has served in the armed forces of the United
18 States;

19 (2) is honorably discharged, retired, or released from
20 active duty on or after October 1, 1990, after at least six years of
21 continuous active duty service immediately before the discharge,
22 retirement, or release;

23 (3) has received a baccalaureate or advanced degree
24 from a public or private institution of higher education accredited
25 by a regional accrediting agency or group that is recognized by a
26 nationally recognized accreditation board; and

27 (4) satisfies any other criteria for selection

1 [jointly] prescribed by the agency [~~and the State Board for~~
2 ~~Educator Certification~~].

3 SECTION 64. Section 21.504(b), Education Code, is amended
4 to read as follows:

5 (b) The agency [~~and the State Board for Educator~~
6 ~~Certification~~] shall distribute the applications and information
7 regarding the program.

8 SECTION 65. Section 21.510(c), Education Code, is amended
9 to read as follows:

10 (c) For purposes of this section, a participant in the
11 program is not considered to be in violation of an agreement under
12 Section 21.508 during any period in which the participant:

13 (1) is pursuing a full-time course of study related to
14 the field of teaching at a public or private institution of higher
15 education approved by the commissioner [~~State Board for Educator~~
16 ~~Certification~~];

17 (2) is serving on active duty as a member of the armed
18 forces of the United States;

19 (3) is temporarily totally disabled for a period not
20 to exceed three years as established by sworn affidavit of a
21 qualified physician;

22 (4) is unable to secure employment for a period not to
23 exceed one year because of care required by a disabled spouse;

24 (5) is seeking and unable to find full-time employment
25 as a teacher in a public elementary or secondary school for a single
26 period not to exceed 27 months; or

27 (6) satisfies the provisions of any additional

1 reimbursement exception adopted by the agency.

2 SECTION 66. Sections 21.551 and 21.553, Education Code, are
3 amended to read as follows:

4 Sec. 21.551. PURPOSES. The purposes of the alternative
5 certification Teach for Texas Pilot Program are to:

6 (1) attract to the teaching profession persons who
7 have expressed interest in teaching and to support the
8 certification of those persons as teachers;

9 (2) recognize the importance of the certification
10 process [~~governed by the State Board for Educator Certification~~]
11 under Subchapter B, which requires verification of competence in
12 subject area and professional knowledge and skills;

13 (3) encourage the creation and expansion of educator
14 preparation programs that recognize the knowledge and skills gained
15 through previous educational and work-related experiences and that
16 are delivered in a manner that recognizes individual circumstances,
17 including the need to remain employed full-time while enrolled in
18 the Teach for Texas Pilot Program; and

19 (4) provide annual stipends to postbaccalaureate
20 teacher certification candidates.

21 Sec. 21.553. FINANCIAL INCENTIVES. (a) The pilot program
22 must offer to participants financial incentives, including tuition
23 assistance and loan forgiveness. In offering a financial
24 incentive, the commissioner [~~State Board for Educator~~
25 ~~Certification~~] shall:

26 (1) require a contract between each participant who
27 accepts a financial incentive and the commissioner [~~State Board for~~

1 ~~Educator Certification~~] under which the participant is obligated to
2 teach in a public school in this state for a stated period after
3 certification;

4 (2) provide financial incentives in proportion to the
5 length of the period the participant is obligated by contract to
6 teach after certification; and

7 (3) give special financial incentives to a participant
8 who agrees in the contract to teach in an underserved area.

9 (b) Financial incentives may be paid only from funds
10 appropriated specifically for that purpose and from gifts, grants,
11 and donations solicited or accepted by the commissioner [~~State~~
12 ~~Board for Educator Certification~~] for that purpose.

13 (c) The commissioner [~~State Board for Educator~~
14 ~~Certification~~] shall adopt [~~propose~~] rules establishing criteria
15 for awarding financial incentives under this section, including
16 criteria for awarding financial incentives if there are more
17 participants than funds available to provide the financial
18 incentives.

19 SECTION 67. Section 21.604(b), Education Code, is amended
20 to read as follows:

21 (b) The agency [~~and the State Board for Educator~~
22 ~~Certification~~] shall distribute the applications and information
23 regarding the program.

24 SECTION 68. Section 21.609(c), Education Code, is amended
25 to read as follows:

26 (c) For purposes of this section, a participant in the
27 program is not considered to be in violation of an agreement under

1 Section 21.607 during any period in which the participant:

2 (1) is pursuing a full-time course of study related to
3 the field of teaching at an institution of higher education
4 approved by the commissioner [~~State Board for Educator~~
5 ~~Certification~~];

6 (2) is serving on active duty as a member of the armed
7 forces of the United States;

8 (3) is temporarily totally disabled for a period not
9 to exceed three years as established by affidavit of a qualified
10 physician;

11 (4) is unable to secure employment for a period not to
12 exceed one year because of care required by a disabled spouse;

13 (5) is seeking and unable to find full-time employment
14 as a teacher in a public elementary or secondary school for a single
15 period not to exceed 27 months; or

16 (6) satisfies the provisions of any additional
17 reimbursement exception adopted by the agency.

18 SECTION 69. Section 22.0512(b), Education Code, is amended
19 to read as follows:

20 (b) In this section, "disciplinary proceeding" means:

21 (1) an action brought by the school district employing
22 a professional employee of a school district to discharge or
23 suspend the employee or terminate or not renew the employee's term
24 contract; or

25 (2) an action brought by the commissioner [~~State Board~~
26 ~~for Educator Certification~~] to enforce the educator's code of
27 ethics adopted under Section 21.041(b)(8).

SECTION 70. Section 22.082, Education Code, is amended to read as follows:

Sec. 22.082. ACCESS TO CRIMINAL HISTORY RECORDS BY COMMISSIONER [~~STATE BOARD FOR EDUCATOR CERTIFICATION~~]. The commissioner [~~State Board for Educator Certification~~] shall subscribe to the criminal history clearinghouse as provided by Section 411.0845, Government Code, and may obtain from any law enforcement or criminal justice agency all criminal history record information and all records contained in any closed criminal investigation file that relate to a specific applicant for or holder of a certificate issued under Subchapter B, Chapter 21.

SECTION 71. Sections 22.0831(c), (d), (e), and (f), Education Code, are amended to read as follows:

(c) The commissioner [~~board~~] shall review the national criminal history record information of a person who has not previously submitted fingerprints to the department or been subject to a national criminal history record information review.

(d) The commissioner [~~board~~] shall place an educator's certificate on inactive status for failure to comply with a deadline for submitting information required under this section.

(e) The commissioner [~~board~~] may allow a person who is applying for a certificate under Subchapter B, Chapter 21, and who currently resides in another state to submit the person's fingerprints and other required information in a manner that does not impose an undue hardship on the person.

(f) The commissioner [~~board~~] may adopt [~~propose~~] rules to implement this section, including rules establishing:

1 (1) deadlines for a person to submit fingerprints and
2 photographs in compliance with this section; and

3 (2) sanctions for a person's failure to comply with the
4 requirements of this section, including suspension or revocation of
5 a certificate or refusal to issue a certificate.

6 SECTION 72. Section 22.0832(a), Education Code, is amended
7 to read as follows:

8 (a) The agency shall review the national criminal history
9 record information of an employee of an open-enrollment charter
10 school to whom Section 12.1059 applies in the same manner as the
11 commissioner [~~State Board for Educator Certification~~] reviews
12 certified educators under Section 22.0831. If the agency
13 determines that, based on information contained in an employee's
14 criminal history record information, the employee would not be
15 eligible for educator certification under Subchapter B, Chapter 21,
16 the agency shall notify the open-enrollment charter school in
17 writing that the person may not be employed by the school or serve
18 in a capacity described by Section 12.1059.

19 SECTION 73. Section 22.0833(h), Education Code, is amended
20 to read as follows:

21 (h) The agency, [~~the State Board for Educator~~
22 ~~Certification~~], school districts, open-enrollment charter schools,
23 and shared services arrangements may coordinate as necessary to
24 ensure that criminal history reviews authorized or required under
25 this subchapter are not unnecessarily duplicated.

26 SECTION 74. Sections 22.085(d) and (e), Education Code, are
27 amended to read as follows:

1 (d) A school district, open-enrollment charter school,
 2 private school, regional education service center, or shared
 3 services arrangement may discharge an employee if the district or
 4 school obtains information of the employee's conviction of a felony
 5 or of a misdemeanor involving moral turpitude that the employee did
 6 not disclose to the commissioner [~~State Board for Educator~~
 7 ~~Certification~~] or the district, school, service center, or shared
 8 services arrangement. An employee discharged under this section is
 9 considered to have been discharged for misconduct for purposes of
 10 Section 207.044, Labor Code. For purposes of this subsection, a
 11 disclosure to the State Board for Educator Certification before
 12 September 1, 2013, is considered a disclosure to the commissioner.

13 (e) The commissioner [~~State Board for Educator~~
 14 ~~Certification~~] may impose a sanction on an educator who does not
 15 discharge an employee or refuse to hire an applicant if the educator
 16 knows or should have known, through a criminal history record
 17 information review, that the employee or applicant has been
 18 convicted of an offense described by Subsection (a).

19 SECTION 75. Sections 22.086 and 22.087, Education Code, are
 20 amended to read as follows:

21 Sec. 22.086. LIABILITY FOR REPORTING OFFENSES. The
 22 commissioner [~~State Board for Educator Certification~~], a school
 23 district, an open-enrollment charter school, a private school, a
 24 regional education service center, a shared services arrangement,
 25 or an employee of the agency [~~board~~], district, school, service
 26 center, or shared services arrangement is not civilly or criminally
 27 liable for making a report required under this subchapter.

1 Sec. 22.087. NOTIFICATION TO COMMISSIONER [~~STATE BOARD FOR~~
2 ~~EDUCATOR CERTIFICATION~~]. The superintendent of a school district
3 or the director of an open-enrollment charter school, private
4 school, regional education service center, or shared services
5 arrangement shall promptly notify the commissioner [~~State Board for~~
6 ~~Educator Certification~~] in writing if the person obtains or has
7 knowledge of information showing that an applicant for or holder of
8 a certificate issued under Subchapter B, Chapter 21, has a reported
9 criminal history.

10 SECTION 76. Section 25.001(b), Education Code, is amended
11 to read as follows:

12 (b) The board of trustees of a school district or its
13 designee shall admit into the public schools of the district free of
14 tuition a person who is over five and younger than 21 years of age on
15 the first day of September of the school year in which admission is
16 sought, and may admit a person who is at least 21 years of age and
17 under 26 years of age for the purpose of completing the requirements
18 for a high school diploma, if:

19 (1) the person and either parent of the person reside
20 in the school district;

21 (2) the person does not reside in the school district
22 but a parent of the person resides in the school district and that
23 parent is a joint managing conservator or the sole managing
24 conservator or possessory conservator of the person;

25 (3) the person and the person's guardian or other
26 person having lawful control of the person under a court order
27 reside within the school district;

1 (4) the person has established a separate residence
2 under Subsection (d);

3 (5) the person is homeless, as defined by 42 U.S.C.
4 Section 11302, regardless of the residence of the person, of either
5 parent of the person, or of the person's guardian or other person
6 having lawful control of the person;

7 (6) the person is a foreign exchange student placed
8 with a host family that resides in the school district by a
9 nationally recognized foreign exchange program~~[, unless the school~~
10 ~~district has applied for and been granted a waiver by the~~
11 ~~commissioner under Subsection (e)]~~;

12 (7) the person resides at a residential facility
13 located in the district;

14 (8) the person resides in the school district and is 18
15 years of age or older or the person's disabilities of minority have
16 been removed; or

17 (9) the person does not reside in the school district
18 but the grandparent of the person:

19 (A) resides in the school district; and

20 (B) provides a substantial amount of
21 after-school care for the person as determined by the board.

22 SECTION 77. Section 28.006, Education Code, is amended by
23 amending Subsection (j) and adding Subsection (j-1) to read as
24 follows:

25 (j) No more than 15 percent of the funds certified by the
26 commissioner under Subsection (i) may be spent on indirect
27 costs. The commissioner shall evaluate the programs that fail to

meet the standard of performance under Subsection (j-1) [~~Section 39.301(c)(5)~~] and may implement interventions or sanctions under Subchapter E, Chapter 39. The commissioner may audit the expenditures of funds appropriated for purposes of this section. The use of the funds appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.

(j-1) For purposes of evaluating a program under Subsection (j), the commissioner shall adopt an indicator of the quality of learning that includes the percentage of students, aggregated by grade level, provided accelerated instruction under Section 28.0211(c), the results of assessment instruments administered under that section, the percentage of students promoted through the grade placement committee process under Section 28.0211, the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard under Section 39.0241, and the performance of those students in the school year following that promotion on the assessment instruments required under Section 39.023.

SECTION 78. Section 28.014(d), Education Code, is amended to read as follows:

(d) The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Subsection (c) to be used for purposes of Section 51.3062. The questions must be developed in a manner consistent with any college readiness standards adopted under Section [~~Sections 39.233 and~~] 51.3062.

SECTION 79. Section 29.007, Education Code, is amended to read as follows:

Sec. 29.007. SHARED SERVICES ARRANGEMENTS. School districts may enter into a written contract to jointly operate their special education programs. ~~[The contract must be approved by the commissioner.]~~ Funds to which the cooperating districts are entitled may be allocated to the districts jointly as shared services arrangement units or shared services arrangement funds in accordance with the shared services arrangement districts' agreement.

SECTION 80. Sections 29.061(a), (b), (c), and (e), Education Code, are amended to read as follows:

(a) The commissioner ~~[State Board for Educator Certification]~~ shall provide for the issuance of teaching certificates appropriate for bilingual education instruction to teachers who possess a speaking, reading, and writing ability in a language other than English in which bilingual education programs are offered and who meet the general requirements of Chapter 21. The commissioner ~~[board]~~ shall also provide for the issuance of teaching certificates appropriate for teaching English as a second language. The commissioner ~~[board]~~ may issue emergency endorsements in bilingual education and in teaching English as a second language.

(b) A teacher assigned to a bilingual education program must be appropriately certified for bilingual education by the commissioner ~~[board]~~.

(c) A teacher assigned to an English as a second language or

1 other special language program must be appropriately certified for
2 English as a second language by the commissioner ~~[board]~~.

3 (e) The commissioner ~~[State Board for Educator~~
4 ~~Certification]~~ and the Texas Higher Education Coordinating Board
5 shall develop a comprehensive plan for meeting the teacher supply
6 needs created by the programs outlined in this subchapter.

7 SECTION 81. The heading to Subchapter H, Chapter 29,
8 Education Code, is amended to read as follows:

9 SUBCHAPTER H. ~~[ADULT AND]~~ COMMUNITY EDUCATION PROGRAMS

10 SECTION 82. Section 29.251(4), Education Code, is amended
11 to read as follows:

12 (4) "Community education" means the process by which
13 the citizens in a school district, using the resources and
14 facilities of the district, organize to support each other and to
15 solve their mutual educational problems and meet their mutual
16 lifelong needs. Community education may include:

17 (A) educational programs, including programs
18 relating to ~~[for occupational and technological skills training,~~
19 ~~retraining of displaced workers,~~] cultural awareness, parenting
20 skills education and parental involvement in school programs, and
21 multilevel adult education and personal growth;

22 (B) community involvement programs, including
23 programs for community economic development, school volunteers,
24 partnerships between schools and businesses, coordination with
25 community agencies, school-age child care, family ~~[and workplace]~~
26 literacy, and community use of facilities; and

27 (C) programs for youth enrolled in schools,

1 including programs for dropout prevention and recovery programs,
2 drug-free school programs, school-age parenting programs, and
3 academic enhancement.

4 SECTION 83. Section 29.252, Education Code, is amended to
5 read as follows:

6 Sec. 29.252. AGENCY [~~STATE~~] ROLE IN [~~ADULT AND~~] COMMUNITY
7 EDUCATION. (a) The agency shall:

8 (1) [~~provide adequate staffing to develop,~~
9 ~~administer, and support a comprehensive statewide adult education~~
10 ~~program and coordinate related federal and state programs for~~
11 ~~education and training of adults,~~

12 [~~(2)~~] develop, implement, and regulate a comprehensive
13 statewide program for community [~~level~~] education services [~~to meet~~
14 ~~the special needs of adults~~];

15 (2) [~~(3) develop the mechanism and guidelines for~~
16 ~~coordination of comprehensive adult education and related skill~~
17 ~~training services for adults with other agencies, both public and~~
18 ~~private, in planning, developing, and implementing related~~
19 ~~programs, including community education programs,~~

20 [~~(4)~~] administer all state and federal funds for
21 community [~~adult~~] education [~~and related skill training~~] in this
22 state, other than funds that [~~except in programs for which~~] another
23 entity is specifically authorized to administer [~~do so~~] under other
24 law; and

25 (3) [~~(5) prescribe and administer standards and~~
26 ~~accrediting policies for adult education,~~

27 [~~(6) prescribe and administer rules for teacher~~

~~certification for adult education,~~

~~[(7)] accept and administer grants, gifts, services, and funds from available sources for use in community [adult] education[,~~

~~[(8) adopt or develop and administer a standardized assessment mechanism for assessing all adult education program participants who need literacy instruction, adult basic education, or secondary education leading to an adult high school diploma or the equivalent,~~

~~[(9) collaborate with the Texas Workforce Commission to improve the coordination and implementation of adult education and literacy services in this state, and~~

~~[(10) monitor and evaluate educational and employment outcomes of students who participate in the agency's adult education and literacy programs].~~

(b) The commissioner may adopt rules for the administration of this subchapter ~~[assessment mechanism prescribed under Subsection (a)(8) must include an initial basic skills screening instrument and must provide comprehensive information concerning baseline student skills before and student progress after participation in an adult education program].~~

SECTION 84. Section 29.255, Education Code, is amended to read as follows:

Sec. 29.255. STATE FUNDING. ~~[(a)]~~ Funds shall be appropriated to implement statewide community ~~[adult basic] education [adult bilingual education, high school equivalency, and high school credit]~~ programs, including ~~[to eliminate~~

~~1 illiteracy in this state and to implement and support a statewide~~
~~2 program to meet the total range of adult needs for adult education,~~
~~3 related skill training, and]~~ pilot programs to demonstrate the
 4 effectiveness of the community education concept. The agency shall
 5 ensure that public local education agencies, public nonprofit
 6 agencies, and community-based organizations have direct and
 7 equitable access to those funds. ~~[An additional sum of money may be~~
~~8 appropriated to the Texas Department of Commerce for the purpose of~~
~~9 skill training in direct support of industrial expansion and~~
~~10 start-up, and those locations, industries, and occupations~~
~~11 designated by the Texas Department of Commerce, when such training~~
~~12 is also in support of the basic purposes of this subchapter. To~~
~~13 fulfill the basic purposes of this subchapter, an additional sum of~~
~~14 money may be appropriated for skill training that is conducted to~~
~~15 support the expansion of civilian employment opportunities on~~
~~16 United States military reservations.~~

~~17 [(b) The agency, in conjunction with the Texas Department of~~
~~18 Commerce, may adopt rules to administer skill training programs for~~
~~19 which the agency is responsible, and the Texas Department of~~
~~20 Commerce may adopt rules to administer skill training programs for~~
~~21 which it is responsible.]~~

22 SECTION 85. Section 29.902, Education Code, is amended to
 23 read as follows:

24 Sec. 29.902. DRIVER EDUCATION. (a) The Texas Department of
 25 Licensing and Regulation ~~[agency]~~ shall develop a program of
 26 organized instruction in driver education and traffic safety for
 27 public school students. A student who will be 15 years of age or

1 older before a driver education and traffic safety course ends may
2 enroll in the course.

3 (b) The agency shall establish standards for the
4 certification of professional and paraprofessional personnel who
5 conduct the programs in the public schools.

6 (c) A school district shall consider offering a driver
7 education and traffic safety course during each school year. If the
8 district offers the course, the district may:

9 (1) conduct the course and charge a fee for the course
10 in the amount determined by the agency to be comparable to the fee
11 charged by a driver education school that holds a license under
12 Chapter 1001; or

13 (2) contract with a driver education school that holds
14 a license under Chapter 1001 to conduct the course.

15 SECTION 86. Sections 33.002(b) and (c), Education Code, are
16 amended to read as follows:

17 (b) A school district with 500 or more students enrolled in
18 elementary school grades shall employ a counselor certified under
19 Subchapter B, Chapter 21, [the rules of the State Board for Educator
20 Certification] for each elementary school in the district. A
21 school district shall employ at least one counselor for every 500
22 elementary school students in the district.

23 (c) A school district with fewer than 500 students enrolled
24 in elementary school grades shall provide guidance and counseling
25 services to elementary school students by:

26 (1) employing a part-time counselor certified under
27 Subchapter B, Chapter 21 [the rules of the State Board for Educator

1 ~~Certification]~~;

2 (2) employing a part-time teacher certified as a
3 counselor under Subchapter B, Chapter 21 ~~[the rules of the State~~
4 ~~Board for Educator Certification]~~; or

5 (3) entering into a shared services arrangement
6 agreement with one or more school districts to share a counselor
7 certified under Subchapter B, Chapter 21 ~~[the rules of the State~~
8 ~~Board for Educator Certification]~~.

9 SECTION 87. Section 33.007(c), Education Code, is amended
10 to read as follows:

11 (c) At the beginning of grades 10 and 11, a school counselor
12 certified under Subchapter B, Chapter 21, ~~[the rules of the State~~
13 ~~Board for Educator Certification]~~ shall explain the requirements of
14 automatic admission to a general academic teaching institution
15 under Section 51.803 to each student enrolled in a high school or at
16 the high school level in an open-enrollment charter school who has a
17 grade point average in the top 25 percent of the student's high
18 school class.

19 SECTION 88. Section 33.081(d-1), Education Code, is amended
20 to read as follows:

21 (d-1) Subsections (c) and (d) do not apply to an advanced
22 placement or international baccalaureate course, or to an honors or
23 dual credit course in the subject areas of English language arts,
24 mathematics, science, social studies, economics, or a language
25 other than English. ~~[The agency shall review on a biennial basis~~
26 ~~courses described by this subsection to determine if other courses~~
27 ~~should be excluded from the requirement that a student be suspended~~

1 ~~from participation in an extracurricular activity under Subsection~~
2 ~~(c). Not later than January 1 of each odd-numbered year, the agency~~
3 ~~shall report the findings under this subsection to the~~
4 ~~legislature.]~~

5 SECTION 89. Section 37.006(o), Education Code, is amended
6 to read as follows:

7 (o) In addition to any notice required under Article 15.27,
8 Code of Criminal Procedure, a principal or a principal's designee
9 shall inform each educator who has responsibility for, or is under
10 the direction and supervision of an educator who has responsibility
11 for, the instruction of a student who has engaged in any violation
12 listed in this section of the student's misconduct. Each educator
13 shall keep the information received under this subsection
14 confidential from any person not entitled to the information under
15 this subsection, except that the educator may share the information
16 with the student's parent or guardian as provided for by state or
17 federal law. The commissioner ~~[State Board for Educator~~
18 ~~Certification]~~ may revoke or suspend the certification of an
19 educator who intentionally violates this subsection.

20 SECTION 90. Section 37.007(g), Education Code, is amended
21 to read as follows:

22 (g) In addition to any notice required under Article 15.27,
23 Code of Criminal Procedure, a school district shall inform each
24 educator who has responsibility for, or is under the direction and
25 supervision of an educator who has responsibility for, the
26 instruction of a student who has engaged in any violation listed in
27 this section of the student's misconduct. Each educator shall keep

1 the information received under this subsection confidential from
2 any person not entitled to the information under this subsection,
3 except that the educator may share the information with the
4 student's parent or guardian as provided for by state or federal
5 law. The commissioner [~~State Board for Educator Certification~~] may
6 revoke or suspend the certification of an educator who
7 intentionally violates this subsection.

8 SECTION 91. Section 39.027(e), Education Code, is amended
9 to read as follows:

10 (e) The commissioner shall develop an assessment system
11 that shall be used for evaluating the academic progress, including
12 reading proficiency in English, of all students of limited English
13 proficiency, as defined by Section 29.052. A student who is exempt
14 from the administration of an assessment instrument under
15 Subsection (a)(1) or (2) who achieves reading proficiency in
16 English as determined by the assessment system developed under this
17 subsection shall be administered the assessment instruments
18 described by Sections 39.023(a) and (c). The performance under the
19 assessment system developed under this subsection of students to
20 whom Subsection (a)(1) or (2) applies shall be included in the
21 indicator systems under Section 39.301, as applicable, the local
22 performance report under Section 39.306, and the comprehensive
23 biennial [~~annual~~] report under Section 39.332. This information
24 shall be provided in a manner that is disaggregated by the bilingual
25 education or special language program, if any, in which the student
26 is enrolled.

27 SECTION 92. Sections 39.0302(a) and (d), Education Code,

1 are amended to read as follows:

2 (a) During an agency investigation or audit of a school
3 district under Section 39.0301(e) or (f), an accreditation
4 investigation under Section 39.057(a)(8) [~~39.075(a)(8)~~], or an
5 investigation [~~by the State Board for Educator Certification~~] of an
6 educator for an alleged violation of an assessment instrument
7 security procedure established under Section 39.0301(a), the
8 commissioner may issue a subpoena to compel the attendance of a
9 relevant witness or the production, for inspection or copying, of
10 relevant evidence that is located in this state.

11 (d) All information and materials subpoenaed or compiled in
12 connection with an investigation or audit described by Subsection
13 (a):

14 (1) are confidential and not subject to disclosure
15 under Chapter 552, Government Code; and

16 (2) are not subject to disclosure, discovery,
17 subpoena, or other means of legal compulsion for release to any
18 person other than:

19 (A) the commissioner [~~or the State Board for~~
20 ~~Educator Certification, as applicable~~];

21 (B) agency employees or agents involved in the
22 investigation, as applicable; and

23 (C) the office of the attorney general, the state
24 auditor's office, and law enforcement agencies.

25 SECTION 93. Section 39.082, Education Code, is amended by
26 amending Subsections (a) and (b) and adding Subsections (d), (e),
27 (f), (g), and (g-1) to read as follows:

1 (a) The commissioner shall, in consultation with the
2 comptroller, develop and implement separate financial
3 accountability rating systems for school districts and
4 open-enrollment charter schools in this state that:

5 (1) distinguish among school districts and
6 distinguish among open-enrollment charter schools, as applicable,
7 based on levels of financial performance; ~~and~~

8 (2) include procedures to:

9 (A) provide additional transparency to public
10 education finance; and

11 (B) enable the commissioner and school district
12 and open-enrollment charter school administrators to provide
13 meaningful financial oversight and improvement; and

14 (3) include processes for anticipating the future
15 financial solvency of each school district and open-enrollment
16 charter school, including analysis of district and school revenues
17 and expenditures for preceding school years.

18 (b) The system must include uniform indicators adopted by
19 ~~the~~ commissioner rule by which to measure the financial
20 management performance and future financial solvency of a district
21 or open-enrollment charter school. In adopting indicators under
22 this subsection, the commissioner shall assign a point value to
23 each indicator to be used in a scoring matrix developed by the
24 commissioner.

25 (d) The commissioner shall evaluate indicators adopted
26 under Subsection (b) at least once every three years.

27 (e) A district or open-enrollment charter school shall

1 receive a failing rating under the system if the district or school
2 fails to achieve a satisfactory rating on:

3 (1) an indicator adopted under Subsection (b) relating
4 to financial management or solvency that the commissioner
5 determines to be critical; or

6 (2) a category of indicators that suggest trends
7 leading to financial distress as determined by the commissioner.

8 (f) Before assigning a final rating under the system, the
9 commissioner shall assign each district or open-enrollment charter
10 school a preliminary rating. A district or school may submit
11 additional information to the commissioner relating to any
12 indicator on which performance was considered unsatisfactory. The
13 commissioner shall consider any additional information submitted
14 by a district or school before assigning a final rating. If the
15 commissioner determines that the additional information negates
16 the concern raised by the indicator on which performance was
17 considered unsatisfactory, the commissioner may not penalize the
18 district or school on the basis of the indicator.

19 (g) The commissioner shall adopt rules for the
20 implementation of this section.

21 (g-1) The commissioner shall adopt initial rules necessary
22 to implement the changes to this section made by the 83rd
23 Legislature, Regular Session, 2013, not later than March 1, 2015.
24 This subsection expires April 1, 2015.

25 SECTION 94. Section 39.0823, Education Code, is amended by
26 amending Subsection (a) and adding Subsection (d) to read as
27 follows:

(a) If the commissioner, based on the indicators adopted under Section 39.082 or other relevant information, projects a
~~[review process under Section 39.0822 indicates a projected]~~
deficit for a school district or open-enrollment charter school
general fund within the following three school years, the agency
~~[district]~~ shall provide the district or school ~~[agency]~~ interim
financial reports, including projected revenues and expenditures
~~[supplemented by staff and student count data, as needed]~~, to
evaluate the ~~[district's]~~ current budget status of the district or
school.

(d) The agency may require a district or open-enrollment
charter school to submit additional information needed to produce a
financial report under Subsection (a). If a district or school
fails to provide information requested under this subsection or if
the commissioner determines that the information submitted by a
district or school is unreliable, the commissioner may order the
district or school to acquire professional services as provided by
Section 39.109.

SECTION 95. Subchapter D, Chapter 39, Education Code, is amended by adding Section 39.0824 to read as follows:

Sec. 39.0824. CORRECTIVE ACTION PLAN. (a) A school
district or open-enrollment charter school assigned a failing
rating under Section 39.082 shall submit to the commissioner a
corrective action plan to address the financial weaknesses of the
district or school. A corrective action plan must identify problems
and include strategies for improvement.

(b) The commissioner may impose appropriate sanctions under

1 Subchapter E against a district or school failing to submit or
2 implement a corrective action plan required under Subsection (a).

3 SECTION 96. Section 39.083(b), Education Code, is amended
4 to read as follows:

5 (b) The annual financial management report must include:

6 (1) a description of the district's financial
7 management performance based on a comparison, provided by the
8 agency, of the district's performance on the indicators adopted
9 under Section 39.082(b) to:

10 (A) state-established standards; and

11 (B) the district's previous performance on the
12 indicators; and

13 (2) ~~[a description of the data submitted using the~~
14 ~~electronic-based program developed under Section 39.0822; and~~

15 ~~[(3)]~~ any descriptive information required by the
16 commissioner.

17 SECTION 97. Section 39.102(a), Education Code, is amended
18 to read as follows:

19 (a) If a school district does not satisfy the accreditation
20 criteria under Section 39.052, the academic performance standards
21 under Section 39.053 or 39.054, or any financial accountability
22 standard as determined by commissioner rule, the commissioner shall
23 take any of the following actions to the extent the commissioner
24 determines necessary:

25 (1) issue public notice of the deficiency to the board
26 of trustees;

27 (2) order a hearing conducted by the board of trustees

1 of the district for the purpose of notifying the public of the
2 insufficient performance, the improvements in performance expected
3 by the agency, and the interventions and sanctions that may be
4 imposed under this section if the performance does not improve;

5 (3) order the preparation of a student achievement
6 improvement plan that addresses each student achievement indicator
7 under Section 39.053(c) for which the district's performance is
8 insufficient, the submission of the plan to the commissioner for
9 approval, and implementation of the plan;

10 (4) order a hearing to be held before the commissioner
11 or the commissioner's designee at which the president of the board
12 of trustees of the district and the superintendent shall appear and
13 explain the district's low performance, lack of improvement, and
14 plans for improvement;

15 (5) arrange an on-site investigation of the district;

16 (6) appoint an agency monitor to participate in and
17 report to the agency on the activities of the board of trustees or
18 the superintendent;

19 (7) appoint a conservator to oversee the operations of
20 the district;

21 (8) appoint a management team to direct the operations
22 of the district in areas of insufficient performance or require the
23 district to obtain certain services under a contract with another
24 person;

25 (9) if a district has a current accreditation status
26 of accredited-warned or accredited-probation, fails to satisfy any
27 standard under Section 39.054(e), or fails to satisfy financial

1 accountability standards as determined by commissioner rule,
2 appoint a board of managers to exercise the powers and duties of the
3 board of trustees;

4 (10) if for two consecutive school years, including
5 the current school year, a district has received an accreditation
6 status of accredited-warned or accredited-probation, has failed to
7 satisfy any standard under Section 39.054(e), or has failed to
8 satisfy financial accountability standards as determined by
9 commissioner rule, revoke the district's accreditation and:

10 (A) order closure of the district and annex the
11 district to one or more ~~adjoining~~ districts under Section 13.054;

12 or

13 (B) in the case of a home-rule school district or
14 open-enrollment charter school, order closure of all programs
15 operated under the district's or school's charter; or

16 (11) if a district has failed to satisfy any standard
17 under Section 39.054(e) due to the district's dropout rates, impose
18 sanctions designed to improve high school completion rates,
19 including:

20 (A) ordering the development of a dropout
21 prevention plan for approval by the commissioner;

22 (B) restructuring the district or appropriate
23 school campuses to improve identification of and service to
24 students who are at risk of dropping out of school, as defined by
25 Section 29.081;

26 (C) ordering lower student-to-counselor ratios
27 on school campuses with high dropout rates; and

(D) ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling.

SECTION 98. Section 39.104, Education Code, is amended by adding Subsection (e) to read as follows:

(e) In addition to the interventions and sanctions authorized under this chapter, the commissioner may reconstitute the governing body of a charter holder as provided by Section 12.1201.

SECTION 99. Section 39.112, Education Code, is amended by adding Subsection (f) to read as follows:

(f) Subsection (e) does not apply if the district will be closed and its territory annexed to one or more other school districts in accordance with other law. In that circumstance, the board of managers may, as determined by the commissioner, continue to oversee the closure and annexation of the district until the effective date of the district's annexation.

SECTION 100. Section 39.233, Education Code, is amended to read as follows:

Sec. 39.233. ~~[RECOGNITION OF]~~ HIGH SCHOOL COMPLETION AND SUCCESS AND COLLEGE READINESS PROGRAMS; AGENCY GUIDANCE. ~~[(a)]~~
The agency shall~~+~~

~~[(1) develop standards for evaluating the success and cost-effectiveness of high school completion and success and college readiness programs implemented under Section 39.234,~~

~~[(2)]~~ provide guidance for school districts and campuses in establishing and improving high school completion and

1 success and college readiness programs implemented under Section
2 39.234[, and

3 ~~[(3) develop standards for selecting and methods for~~
4 ~~recognizing school districts and campuses that offer exceptional~~
5 ~~high school completion and success and college readiness programs~~
6 ~~under Section 39.234.~~

7 ~~[(b) The commissioner may adopt rules for the~~
8 ~~administration of this section].~~

9 SECTION 101. Section 39.235(a), Education Code, is amended
10 to read as follows:

11 (a) From funds appropriated for that purpose, the
12 commissioner may establish a grant program under which grants are
13 awarded to middle, junior high, and high school campuses and school
14 districts to support:

15 (1) the implementation of innovative improvement
16 programs that are based on the best available research regarding
17 middle, junior high, or high school reform, dropout prevention, and
18 preparing students for postsecondary coursework or employment; and

19 (2) enhancing education practices that have been
20 demonstrated by significant evidence of effectiveness[, and

21 ~~[(3) the alignment of grants and programs to the~~
22 ~~strategic plan adopted under Section 39.407].~~

23 SECTION 102. Sections 39.301(a) and (c), Education Code,
24 are amended to read as follows:

25 (a) In addition to the indicators adopted under Section
26 39.053, the commissioner may ~~[shall]~~ adopt indicators of the
27 quality of learning for the purpose of preparing state performance

1 reports under Section 39.305 [~~this chapter~~]. The commissioner
2 biennially shall review the indicators for the consideration of
3 appropriate revisions.

4 (c) Indicators for reporting purposes may [~~must~~] include:

5 (1) the percentage of graduating students who meet the
6 course requirements established by State Board of Education rule
7 for the minimum high school program, the recommended high school
8 program, and the advanced high school program;

9 (2) the results of the SAT, ACT, articulated
10 postsecondary degree programs described by Section 61.852, and
11 certified workforce training programs described by Chapter 311,
12 Labor Code;

13 (3) for students who have failed to perform
14 satisfactorily, under each performance standard under Section
15 39.0241, on an assessment instrument required under Section
16 39.023(a) or (c), the performance of those students on subsequent
17 assessment instruments required under those sections, aggregated
18 by grade level and subject area;

19 (4) for each campus, the number of students,
20 disaggregated by major student subpopulations, that agree under
21 Section 28.025(b) to take courses under the minimum high school
22 program;

23 (5) the percentage of students, aggregated by grade
24 level, provided accelerated instruction under Section 28.0211(c),
25 the results of assessment instruments administered under that
26 section, the percentage of students promoted through the grade
27 placement committee process under Section 28.0211, the subject of

1 the assessment instrument on which each student failed to perform
2 satisfactorily under each performance standard under Section
3 39.0241, and the performance of those students in the school year
4 following that promotion on the assessment instruments required
5 under Section 39.023;

6 (6) the percentage of students of limited English
7 proficiency exempted from the administration of an assessment
8 instrument under Sections 39.027(a)(1) and (2);

9 (7) the percentage of students in a special education
10 program under Subchapter A, Chapter 29, assessed through assessment
11 instruments developed or adopted under Section 39.023(b);

12 (8) the percentage of students who satisfy the college
13 readiness measure;

14 (9) the measure of progress toward dual language
15 proficiency under Section 39.034(b), for students of limited
16 English proficiency, as defined by Section 29.052;

17 (10) the percentage of students who are not
18 educationally disadvantaged;

19 (11) the percentage of students who enroll and begin
20 instruction at an institution of higher education in the school
21 year following high school graduation; ~~and~~

22 (12) the percentage of students who successfully
23 complete the first year of instruction at an institution of higher
24 education without needing a developmental education course; and

25 (13) additional quality indicators, as determined by
26 the commissioner.

27 SECTION 103. Section 39.305, Education Code, is amended to

1 read as follows:

2 Sec. 39.305. STATE PERFORMANCE REPORTS [~~CAMPUS REPORT~~
3 ~~CARD~~]. (a) Each school year, the agency shall prepare and
4 distribute to each school district a state performance report
5 [~~card~~] for each campus. The reports [~~campus report cards~~] must be
6 based on the most current data available disaggregated by student
7 groups. Campus performance must be compared to previous campus and
8 district performance, current district performance, and state
9 established standards.

10 (b) The report [~~card~~] shall include the following
11 information:

12 (1) where applicable, the student achievement
13 indicators described by Section 39.053(c) and the reporting
14 indicators adopted under Section 39.301 [~~described by Sections~~
15 ~~39.301(c)(1) through (5)~~];

16 (2) average class size by grade level and subject;

17 (3) the administrative and instructional costs per
18 student, computed in a manner consistent with Section 44.0071; and

19 (4) the district's instructional expenditures ratio
20 and instructional employees ratio computed under Section 44.0071,
21 and the statewide average of those ratios, as determined by the
22 commissioner.

23 (c) The commissioner shall adopt rules requiring
24 dissemination of the information included in a state [~~required~~
25 ~~under Subsection (b)(4) and appropriate class size and student~~
26 performance [~~portions of campus~~] report under this section [~~cards~~]
27 annually to the parent, guardian, conservator, or other person

1 having lawful control of each student in ~~[at]~~ the district in a
2 manner consistent with campus policy regarding providing notice to
3 parents. On written request, the school district shall provide a
4 copy of a ~~[campus]~~ report ~~[card]~~ to any other party.

5 (d) The agency shall promptly post the information included
6 in reports on the agency's Internet website.

7 SECTION 104. The heading to Section 39.306, Education Code,
8 is amended to read as follows:

9 Sec. 39.306. LOCAL PERFORMANCE REPORT.

10 SECTION 105. The heading to Section 39.307, Education Code,
11 is amended to read as follows:

12 Sec. 39.307. USES OF LOCAL PERFORMANCE REPORT.

13 SECTION 106. The heading to Section 39.332, Education Code,
14 is amended to read as follows:

15 Sec. 39.332. COMPREHENSIVE BIENNIAL ~~[ANNUAL]~~ REPORT.

16 SECTION 107. Section 39.332(a), Education Code, is amended
17 to read as follows:

18 (a) The ~~[Not later than December 1 of each year, the]~~ agency
19 shall prepare and deliver to the governor, the lieutenant governor,
20 the speaker of the house of representatives, each member of the
21 legislature, the Legislative Budget Board, and the clerks of the
22 standing committees of the senate and house of representatives with
23 primary jurisdiction over the public school system a comprehensive
24 report covering the preceding two school years ~~[year]~~ and
25 containing the information described by Subsection (b).

26 SECTION 108. Sections 39.332(b)(2) and (20), Education
27 Code, are amended to read as follows:

(2) The report must contain an evaluation of the status of education in the state as reflected by:

(A) the student achievement indicators described by Section 39.053; and

(B) the reporting indicators adopted under ~~[described by]~~ Section 39.301.

(20) The report must contain a comparison of the performance of open-enrollment charter schools and school districts on the student achievement indicators described by Section 39.053(c), the reporting indicators adopted under ~~[described by]~~ Section 39.301 ~~[39.301(c)]~~, and the accountability measures adopted under Section 39.053(i), with a separately aggregated comparison of the performance of open-enrollment charter schools predominantly serving students at risk of dropping out of school, as described by Section 29.081(d), with the performance of school districts.

SECTION 109. Section 39.362, Education Code, is amended to read as follows:

Sec. 39.362. NOTICE ON DISTRICT WEBSITE. Not later than the 10th day after the first day of instruction of each school year, a school district that maintains an Internet website shall make the following information available to the public on the website:

(1) the information contained in the most recent state performance ~~[campus]~~ report ~~[card]~~ for each campus in the district under Section 39.305;

(2) the information contained in the most recent local performance report for the district under Section 39.306;

1 (3) the most recent accreditation status and
2 performance rating of the district under Sections 39.052 and
3 39.054; and

4 (4) a definition and explanation of each accreditation
5 status under Section 39.051, based on commissioner rule adopted
6 under that section.

7 SECTION 110. Section 39.409, Education Code, is transferred
8 to Subchapter Z, Chapter 29, Education Code, redesignated as
9 Section 29.921, Education Code, and amended to read as follows:

10 Sec. 29.921 [~~39.409~~]. PRIVATE FOUNDATION PARTNERSHIPS.

11 (a) The commissioner of education or the commissioner of higher
12 education, as appropriate, [~~and the council~~] may coordinate with
13 private foundations that have made a substantial investment in the
14 improvement of high schools in this state to maximize the impact of
15 public and private investments.

16 (b) A private foundation is not required to obtain the
17 approval of the appropriate commissioner [~~or the council~~] under
18 Subsection (a) before allocating resources to a school in this
19 state.

20 SECTION 111. Section 39.413, Education Code, is transferred
21 to Subchapter C, Chapter 61, Education Code, redesignated as
22 Section 61.0767, Education Code, and amended to read as follows:

23 Sec. 61.0767 [~~39.413~~]. FUNDING FOR CERTAIN PROGRAMS. (a)
24 From funds appropriated, the board [~~Texas Higher Education~~
25 ~~Coordinating Board~~] shall allocate \$8.75 million each year to
26 establish mathematics, science, and technology teacher preparation
27 academies under Section 61.0766[, ~~provide funding to the~~

~~commissioner of education to implement and administer the program~~
~~under Section 29.098,~~] and award grants under Section
61.0762(a)(3).

(b) The board [~~Texas Higher Education Coordinating Board~~]
shall establish mathematics, science, and technology teacher
preparation academies under Section 61.0766[~~, provide funding to~~
~~the commissioner of education to implement and administer the~~
~~program under Section 29.098,~~] and award grants under Section
61.0762(a)(3) in a manner consistent with [~~the goals of this~~
~~subchapter and~~] the goals in "Closing the Gaps," the state's master
plan for higher education.

SECTION 112. Subchapter A, Chapter 42, Education Code, is
amended by adding Section 42.011 to read as follows:

Sec. 42.011. FUNDS AUDIT. (a) The agency shall develop and
implement by rule an auditing system for expenditures of funds
under the Foundation School Program by school districts and
open-enrollment charter schools. An auditing system developed
under this section must use a standard, risk-based approach.

(b) The agency shall provide guidance relating to an audit
developed under this section through any training or reference
material the agency provides to school districts or open-enrollment
charter schools.

SECTION 113. Section 45.208(a), Education Code, is amended
to read as follows:

(a) The bank or banks selected as the depository or
depositories and the school district shall enter into a depository
contract or contracts, bond or bonds, or other necessary

1 instruments setting forth the duties and agreements pertaining to
2 the depository[, ~~in a form and with the content prescribed by the~~
3 ~~State Board of Education~~]. The parties shall attach to the
4 depository contract and incorporate by reference the bid or
5 proposal of the depository.

6 SECTION 114. Section 51.308, Education Code, is amended to
7 read as follows:

8 Sec. 51.308. DRIVER EDUCATION. A driver education course
9 for the purpose of preparing students to obtain a driver's license
10 may be offered by an institution of higher education, as defined by
11 Section 61.003, with the approval of the Texas Department of
12 Licensing and Regulation [~~Central Education Agency~~].

13 SECTION 115. Section 52.31, Education Code, is amended to
14 read as follows:

15 Sec. 52.31. PARTICIPATING INSTITUTIONS. In this
16 subchapter, "participating higher educational institution" means a
17 public or private nonprofit institution of higher education,
18 including a junior college, accredited by a recognized accrediting
19 agency as defined by Section 61.003, or a regional education
20 service center or other entity that offers an alternative educator
21 certification program approved by the commissioner of education
22 [~~State Board for Educator Certification~~], that:

23 (1) is located in this state; and

24 (2) complies with the provisions of this chapter and
25 the rules of the board promulgated in accordance with this chapter.

26 SECTION 116. Section 52.32(b), Education Code, is amended
27 to read as follows:

1 (b) If a loan applicant is enrolled at a career school or
2 college in a degree program that is approved by the board or at a
3 regional education service center or other entity in an alternative
4 educator certification program that is approved by the commissioner
5 of education [~~State Board for Educator Certification~~], the
6 applicant is not required to provide evidence that the applicant is
7 unable to obtain a guaranteed student loan from a commercial lender
8 under Subsection (a-1).

9 SECTION 117. Section 61.0514, Education Code, is amended to
10 read as follows:

11 Sec. 61.0514. INTEGRATED COURSEWORK. The board, with the
12 cooperation and advice of the commissioner of education [~~State~~
13 ~~Board for Educator Certification~~], shall adopt educator
14 preparation coursework guidelines that promote, to the greatest
15 extent practicable, the integration of subject matter knowledge
16 with classroom teaching strategies and techniques in order to
17 maximize the effectiveness and efficiency of coursework required
18 for certification under Subchapter B, Chapter 21.

19 SECTION 118. Section 61.076(b), Education Code, is amended
20 to read as follows:

21 (b) The P-16 Council is composed of the commissioner of
22 education, the commissioner of higher education, the executive
23 director of the Texas Workforce Commission, [~~the executive director~~
24 ~~of the State Board for Educator Certification~~], and the
25 commissioner of assistive and rehabilitative services. The
26 commissioner of higher education and the commissioner of education
27 shall serve as co-chairs of the council.

SECTION 119. Section 61.0761(a), Education Code, is amended to read as follows:

(a) The P-16 Council established under Section 61.076 shall recommend to the commissioner of education and the board a college readiness and success strategic action plan to increase student success and decrease the number of students enrolling in developmental course work in institutions of higher education. The plan must include:

(1) definitions, as determined by the P-16 Council in coordination with the State Board of Education, of the standards and expectations for college readiness that address the knowledge and skills expected of students to perform successfully in entry-level courses offered at institutions of higher education;

(2) a description of the components of a P-16 individualized graduation plan sufficient to prepare students for college success;

(3) the manner in which the Texas Education Agency should provide model curricula for use as a reference tool by school district employees;

(4) recommendations to the Texas Education Agency, the State Board of Education, and the board regarding strategies for decreasing the number of students enrolling in developmental course work at institutions of higher education;

(5) recommendations ~~[to the State Board for Educator Certification]~~ regarding changes to educator certification and professional development requirements that contribute to the ability of public school teachers to prepare students for higher

1 education; and

2 (6) any other elements that the commissioner of
3 education and the board suggest for inclusion in the plan.

4 SECTION 120. Section 61.0766(b), Education Code, is amended
5 to read as follows:

6 (b) Before an institution of higher education establishes
7 an academy under this section, the institution must apply through a
8 competitive process, as determined by the board, and meet any
9 requirements established by the board for designation as an academy
10 under this section and continued funding. The institution of
11 higher education must have a teacher preparation program approved
12 by the commissioner of education [~~State Board for Educator~~
13 ~~Certification~~] or be affiliated with a program approved by the
14 commissioner [~~State Board for Educator Certification~~].

15 SECTION 121. Section 1001.001, Education Code, is amended
16 by amending Subdivisions (2), (3), (4), and (5) and adding
17 Subdivision (13-a) to read as follows:

18 (2) "Approved driving safety course" means a driving
19 safety course approved by the department [~~commissioner~~].

20 (3) "Commission" [~~"Commissioner"~~] means the Texas
21 Commission of Licensing and Regulation [~~commissioner of~~
22 ~~education~~].

23 (4) "Course provider" means an enterprise that:

24 (A) maintains a place of business or solicits
25 business in this state;

26 (B) is operated by an individual, association,
27 partnership, or corporation; and

1 (C) has received an approval for a driving safety
2 course from the department [~~commissioner~~] or has been designated by
3 a person who has received that approval to conduct business and
4 represent the person in this state.

5 (5) "Department" means the Texas Department of
6 Licensing and Regulation [~~Public Safety~~].

7 (13-a) "Executive director" means the executive
8 director of the department.

9 SECTION 122. Section 1001.002(c), Education Code, is
10 amended to read as follows:

11 (c) A driver education course is exempt from this chapter,
12 other than Section 1001.055, if the course is:

13 (1) conducted by a vocational driver training school
14 operated to train or prepare a person for a field of endeavor in a
15 business, trade, technical, or industrial occupation;

16 (2) conducted by a school or training program that
17 offers only instruction of purely avocational or recreational
18 subjects as determined by the department [~~commissioner~~];

19 (3) sponsored by an employer to train its own
20 employees without charging tuition;

21 (4) sponsored by a recognized trade, business, or
22 professional organization with a closed membership to instruct the
23 members of the organization; or

24 (5) conducted by a school regulated and approved under
25 another law of this state.

26 SECTION 123. Section 1001.003, Education Code, is amended
27 to read as follows:

1 Sec. 1001.003. LEGISLATIVE INTENT REGARDING SMALL
2 BUSINESSES. It is the intent of the legislature that commission
3 [~~agency~~] rules that affect driver training schools that qualify as
4 small businesses be adopted and administered so as to have the least
5 possible adverse economic effect on the schools.

6 SECTION 124. Section 1001.004, Education Code, as amended
7 by Chapters 1253 (H.B. 339) and 1413 (S.B. 1317), Acts of the 81st
8 Legislature, Regular Session, 2009, is reenacted and amended to
9 read as follows:

10 Sec. 1001.004. COST OF ADMINISTERING CHAPTER. (a) Except
11 as provided by Subsection (b), the cost of administering this
12 chapter shall be included in the state budget allowance for the
13 department [~~agency~~].

14 (b) The department [~~commissioner~~] may charge a fee to each
15 driver education school in an amount not to exceed the actual
16 expense incurred in the regulation of driver education courses
17 established under Section 1001.1015.

18 SECTION 125. Sections 1001.051, 1001.052, 1001.053, and
19 1001.054, Education Code, are amended to read as follows:

20 Sec. 1001.051. JURISDICTION OVER SCHOOLS. The department
21 [~~agency~~] has jurisdiction over and control of driver training
22 schools regulated under this chapter.

23 Sec. 1001.052. RULES. The commission [~~agency~~] shall adopt
24 [~~and administer~~] comprehensive rules governing driving safety
25 courses.

26 Sec. 1001.053. POWERS AND DUTIES OF DEPARTMENT, COMMISSION,
27 AND EXECUTIVE DIRECTOR [~~COMMISSIONER~~]. (a) The department and

executive director, as appropriate, [commissioner] shall:

(1) administer ~~[the policies of]~~ this chapter;

(2) enforce minimum standards for driver training schools under this chapter;

(3) ~~[adopt and]~~ enforce rules adopted by the commission that are necessary to administer this chapter; and

(4) visit a driver training school or course provider and reexamine the school or course provider for compliance with this chapter.

(b) The executive director ~~[commissioner]~~ may designate a person knowledgeable in the administration of regulating driver training schools to administer this chapter.

(c) The commission shall adopt rules necessary to administer this chapter. The commission ~~[commissioner]~~ may adopt rules to ensure the integrity of approved driving safety courses and to enhance program quality.

Sec. 1001.054. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING. (a) The commission ~~[commissioner]~~ may not adopt a rule restricting advertising or competitive bidding by a driver training school except to prohibit a false, misleading, or deceptive practice.

(b) The commission ~~[commissioner]~~ may not include in rules to prohibit false, misleading, or deceptive practices by a driver training school a rule that restricts:

(1) the use of an advertising medium;

(2) the outside dimensions of a printed advertisement or outdoor display;

(3) the duration of an advertisement; or

(4) advertisement under a trade name.

(c) The commission [~~commissioner~~] by rule may restrict advertising by a branch location of a driver training school so that the location adequately identifies the primary location of the school in a solicitation.

SECTION 126. Sections 1001.055(a), (a-1), (a-2), (b), and (c), Education Code, are amended to read as follows:

(a) The department [~~agency~~] shall provide to each licensed or exempt driver education school and to each parent-taught course provider approved by the Department of Public Safety under Section 521.205, Transportation Code, driver education certificates or certificate numbers to enable the school or [~~and each approved parent-taught~~] course provider [~~(approved by the Texas Department of Public Safety under Section 521.205 of the Transportation Code)~~] to print and issue department-approved [~~agency-approved~~] driver education certificates [~~with the certificate numbers~~] to certify [~~be used for certifying~~] completion of an approved driver education course and [~~to~~] satisfy the requirements of Sections 521.204(a)(2) and 521.1601, Transportation Code.

(a-1) A certificate printed and issued by a driver education school or Department of Public Safety approved course provider must:

(1) be in a form required by the department [~~agency~~];

and

(2) include an identifying certificate number provided by the department [~~agency~~] that may be used to verify the

1 authenticity of the certificate with the driver education school or
2 Department of Public Safety approved course provider.

3 (a-2) A driver education school or Department of Public
4 Safety approved course provider that purchases driver education
5 certificate numbers shall provide for the printing and issuance of
6 original and duplicate certificates in a manner that, to the
7 greatest extent possible, prevents the unauthorized production or
8 the misuse of the certificates. The driver education school or
9 Department of Public Safety approved course provider shall
10 electronically submit to the department [~~agency~~] in the manner
11 established by the department [~~agency~~] data identified by the
12 department [~~agency~~] relating to issuance of department-approved
13 [~~agency-approved~~] driver education certificates with the
14 certificate numbers.

15 (b) The commission [~~agency~~] by rule shall provide for the
16 design and distribution of the certificates and certificate numbers
17 in a manner that, to the greatest extent possible, prevents the
18 unauthorized reproduction or misuse of the certificates or
19 certificate numbers.

20 (c) The commission by rule shall establish [~~agency may~~
21 ~~charge~~] a fee [~~of not more than \$4~~] for each certificate or
22 certificate number.

23 SECTION 127. Sections 1001.056(b), (c), (d), (e), and (g),
24 Education Code, are amended to read as follows:

25 (b) The department [~~agency~~] shall provide each licensed
26 course provider with course completion certificate numbers to
27 enable the provider to print and issue department-approved

1 ~~[agency-approved]~~ uniform certificates of course completion.

2 (c) The commission ~~[agency]~~ by rule shall provide for the
3 design of the certificates and the distribution of certificate
4 numbers in a manner that, to the greatest extent possible, prevents
5 the unauthorized production or the misuse of the certificates or
6 certificate numbers.

7 (d) A certificate under this section must:

8 (1) be in a form required by the department ~~[agency]~~;
9 and

10 (2) include an identifying number by which the
11 department ~~[agency]~~, a court, or the Department of Public Safety
12 ~~[department]~~ may verify its authenticity with the course provider.

13 (e) The commission by rule shall establish ~~[agency may~~
14 ~~charge]~~ a fee ~~[of not more than \$4]~~ for each course completion
15 certificate number. A course provider that supplies a certificate
16 to an operator shall collect from the operator a fee equal to the
17 amount of the fee paid to the department ~~[agency]~~ for the
18 certificate number.

19 (g) A course provider shall issue a duplicate certificate by
20 United States mail or commercial delivery. The commission
21 ~~[commissioner]~~ by rule shall determine the amount of the fee for
22 issuance of a duplicate certificate under this subsection.

23 SECTION 128. Section 1001.057, Education Code, is amended
24 to read as follows:

25 Sec. 1001.057. ELECTRONIC TRANSMISSION OF DRIVING SAFETY
26 COURSE INFORMATION. The department ~~[agency]~~ shall investigate
27 options to develop and implement procedures to electronically

transmit information relating to driving safety courses to municipal and justice courts.

SECTION 129. Subchapter B, Chapter 1001, Education Code, is amended by adding Sections 1001.058 and 1001.059 to read as follows:

Sec. 1001.058. ADVISORY COMMITTEE. (a) The commission shall establish an advisory committee to advise the commission and department on driver training rules and standards and driver education curriculum.

(b) The advisory committee consists of seven members appointed for staggered six-year terms by the presiding officer of the commission, with the approval of the commission, as follows:

(1) one member representing a driver education school;

(2) one member representing a driving safety school;

(3) one member representing a course provider;

(4) one driving course instructor;

(5) one employee of the Department of Public Safety;

and

(6) two members representing the public.

(c) The presiding officer of the commission shall appoint the presiding officer of the advisory committee.

Sec. 1001.059. COMPLAINTS. (a) The department shall maintain a system to promptly and efficiently act on complaints filed with the department regarding driver training. The department shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

1 (b) The department shall make information available
2 describing its procedures for complaint investigation and
3 resolution.

4 (c) The department shall periodically notify the complaint
5 parties of the status of the complaint until final disposition.

6 SECTION 130. Section 1001.101, Education Code, as amended
7 by Chapters 1253 (H.B. 339) and 1413 (S.B. 1317), Acts of the 81st
8 Legislature, Regular Session, 2009, is reenacted and amended to
9 read as follows:

10 Sec. 1001.101. ADULT AND MINOR DRIVER EDUCATION COURSE
11 CURRICULUM AND TEXTBOOKS. (a) The commission [~~commissioner~~] by
12 rule shall establish or approve the curriculum and designate the
13 textbooks to be used in a driver education course for minors and
14 adults, including a driver education course conducted by a school
15 district, driver education school, or parent or other individual
16 under Section 521.205, Transportation Code.

17 (b) A driver education course must require the student to
18 complete:

19 (1) 7 hours of behind-the-wheel instruction in the
20 presence of a person who holds a driver education instructor
21 license or who meets the requirements imposed under Section
22 521.205, Transportation Code;

23 (2) 7 hours of observation instruction in the presence
24 of a person who holds a driver education instructor license or who
25 meets the requirements imposed under Section 521.205,
26 Transportation Code; and

27 (3) 20 hours of behind-the-wheel instruction,

1 including at least 10 hours of instruction that takes place at
2 night, in the presence of an adult who meets the requirements of
3 Section 521.222(d)(2), Transportation Code.

4 SECTION 131. Section 1001.1015(a), Education Code, is
5 amended to read as follows:

6 (a) The commission [~~commissioner~~] by rule shall establish
7 the curriculum and designate the educational materials to be used
8 in a driver education course exclusively for adults.

9 SECTION 132. Section 1001.102, Education Code, is amended
10 to read as follows:

11 Sec. 1001.102. ALCOHOL AWARENESS INFORMATION. (a) The
12 commission [~~agency~~] by rule shall require that information relating
13 to alcohol awareness and the effect of alcohol on the effective
14 operation of a motor vehicle be included in the curriculum of any
15 driver education course or driving safety course.

16 (b) In developing rules under this section, the commission
17 [~~agency~~] shall consult with the Department of Public Safety
18 [~~department~~].

19 SECTION 133. Section 1001.1025, Education Code, is amended
20 to read as follows:

21 Sec. 1001.1025. MOTORCYCLE AWARENESS INFORMATION. (a) The
22 commission [~~agency~~] by rule shall require that information relating
23 to motorcycle awareness, the dangers of failing to yield the
24 right-of-way to a motorcyclist, and the need to share the road with
25 motorcyclists be included in the curriculum of any driver education
26 course or driving safety course.

27 (b) In developing rules under this section, the commission

1 ~~[agency]~~ shall consult with the Department of Public Safety
2 ~~[department]~~.

3 SECTION 134. Sections 1001.103(b), (d), and (e), Education
4 Code, are amended to read as follows:

5 (b) The department ~~[agency]~~ shall develop standards for a
6 separate school certification and approve curricula for drug and
7 alcohol driving awareness programs that include one or more
8 courses. Except as provided by commission ~~[agency]~~ rule, a program
9 must be offered in the same manner as a driving safety course.

10 (d) In accordance with Section 461.013(b), Health and
11 Safety Code, the department ~~[agency]~~ and the Department of State
12 Health Services ~~[Texas Commission on Alcohol and Drug Abuse]~~ shall
13 enter into a memorandum of understanding for the interagency
14 approval of the required curricula.

15 (e) The commission ~~[Notwithstanding Section 1001.056,~~
16 ~~Subchapter D, and Sections 1001.213 and 1001.303, the commissioner]~~
17 may establish fees in connection with the programs under this
18 section. The fees must be in amounts reasonable and necessary to
19 administer the department's ~~[agency's]~~ duties under this section.

20 SECTION 135. Sections 1001.104 and 1001.105, Education
21 Code, are amended to read as follows:

22 Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a)
23 The department ~~[agency]~~ shall enter into a memorandum of
24 understanding with the Department of Assistive and Rehabilitative
25 Services ~~[Texas Rehabilitation Commission]~~ and the Department of
26 Public Safety ~~[department]~~ for the interagency development of
27 curricula and licensing criteria for hospital and rehabilitation

1 facilities that teach driver education.

2 (b) The department [~~agency~~] shall administer comprehensive
3 rules governing driver education courses adopted by mutual
4 agreement among the commission [~~agency~~], the Department of
5 Assistive and Rehabilitative Services [~~Texas Rehabilitation~~
6 ~~Commission~~], and the Department of Public Safety [~~department~~].

7 Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. The
8 department [~~agency~~] shall enter into a memorandum of understanding
9 with the Texas Department of Insurance for the interagency
10 development of a curriculum for driving safety courses.

11 SECTION 136. Sections 1001.106(b), (c), and (d), Education
12 Code, are amended to read as follows:

13 (b) The commission [~~commissioner~~] by rule shall provide
14 minimum standards of curriculum relating to operation of vehicles
15 at railroad and highway grade crossings.

16 (c) Subchapter F, Chapter 51, Occupations Code, Section
17 51.353, Occupations Code, and Sections [~~1001.454, 1001.456~~] and
18 1001.553 of this code do not apply to a violation of this section or
19 a rule adopted under this section.

20 (d) Section 51.352, Occupations Code, and Sections
21 1001.455(a)(6), 1001.501, [~~1001.551, 1001.552~~] and 1001.554 of
22 this code do not apply to a violation of this section.

23 SECTION 137. Section 1001.107, Education Code, is amended
24 to read as follows:

25 Sec. 1001.107. INFORMATION RELATING TO LITTER PREVENTION.

26 (a) The commission [~~commissioner~~] by rule shall require that
27 information relating to litter prevention be included in the

1 curriculum of each driver education and driving safety course.

2 (b) In developing rules under this section, the commission
3 ~~[commissioner]~~ shall consult the Department of Public Safety
4 ~~[department]~~.

5 SECTION 138. Sections 1001.108(a) and (c), Education Code,
6 are amended to read as follows:

7 (a) The commission ~~[commissioner]~~ by rule shall require
8 that information relating to anatomical gifts be included in the
9 curriculum of each driver education course and driving safety
10 course.

11 (c) In developing rules under this section, the commission
12 ~~[commissioner]~~ shall consult with the Department of Public Safety
13 ~~[department]~~ and the ~~[Texas]~~ Department of State Health Services.

14 SECTION 139. Section 1001.110, Education Code, is amended
15 to read as follows:

16 Sec. 1001.110. INFORMATION RELATING TO DRIVING
17 DISTRACTIONS. (a) The commission ~~[commissioner]~~ by rule shall
18 require that information relating to the effect of using a wireless
19 communication device or engaging in other actions that may distract
20 a driver on the safe or effective operation of a motor vehicle be
21 included in the curriculum of each driver education course or
22 driving safety course.

23 (b) In developing rules under this section, the commission
24 ~~[commissioner]~~ shall consult with the Department of Public Safety
25 ~~[department]~~.

26 SECTION 140. Section 1001.111(a), Education Code, is
27 amended to read as follows:

1 (a) The commission [~~commissioner~~] by rule shall provide
2 minimum standards of curriculum for and designate the educational
3 materials to be used in a driving safety course designed for drivers
4 younger than 25 years of age.

5 SECTION 141. Sections 1001.151, 1001.152, and 1001.153,
6 Education Code, are amended to read as follows:

7 Sec. 1001.151. APPLICATION, LICENSE, AND REGISTRATION
8 FEES. (a) The commission by rule [~~commissioner~~] shall establish
9 [~~collect~~] application, license, and registration fees. The fees
10 must be in amounts sufficient to cover administrative costs and are
11 nonrefundable. The department shall collect the application,
12 license, and registration fees.

13 (b) The commission by rule shall establish a fee for:

14 (1) an initial driver education school license and [~~is~~
15 ~~\$1,000 plus \$850~~] for each branch location; [~~-~~]

16 (2) [~~(c) The fee for~~] an initial driving safety
17 school license;

18 (3) [~~is an appropriate amount established by the~~
19 ~~commissioner not to exceed \$200.~~]

20 [~~(d) The fee for~~] an initial course provider license [~~is an~~
21 ~~appropriate amount established by the commissioner not to exceed~~
22 ~~\$2,000~~], except that the commission [~~agency~~] may waive the fee if
23 revenue received from the course provider is sufficient to cover
24 the cost of licensing the course provider; [~~-~~]

25 (4) the [~~(e) The~~] annual renewal [~~fee~~] for a course
26 provider, driving safety school, driver education school, or branch
27 location [~~is an appropriate amount established by the commissioner~~]

1 ~~not to exceed \$200~~], except that the commission ~~[agency]~~ may waive
2 the fee if revenue generated by the issuance of course completion
3 certificate numbers and driver education certificates is
4 sufficient to cover the cost of administering this chapter and
5 Article 45.0511, Code of Criminal Procedure; ~~[-]~~

6 (5) ~~[(f) The fee for]~~ a change of address of ~~[+]~~
7 ~~[(1)]~~ a driver education school, ~~[is \$180, and]~~
8 ~~[(2) a]~~ driving safety school, ~~or course provider; [is~~
9 ~~\$50.]~~

10 (6) ~~[(g) The fee for]~~ a change of name of:

11 (A) ~~[(1)]~~ a driver education school or course
12 provider or an owner of a driver education school or course provider
13 ~~[is \$100]; or [and]~~

14 (B) ~~[(2)]~~ a driving safety school or owner of a
15 driving safety school; ~~[is \$50.]~~

16 (7) ~~[(h) The application fee for]~~ each additional
17 driver education or driving safety course at a driver training
18 school; ~~and [is \$25.]~~

19 (8) ~~an [(i) The application fee for:]~~

20 ~~[(1) each director is \$30, and]~~

21 ~~[(2) each assistant director or administrative staff~~
22 ~~member is \$15.]~~

23 ~~[(j) Each]~~ application for approval of a driving safety
24 course that has not been evaluated by the department ~~[commissioner~~
25 ~~must be accompanied by a nonrefundable fee of \$9,000].~~

26 (c) ~~[(k)]~~ An application for an original driver education
27 or driving safety instructor license must be accompanied by a

1 processing fee [~~of \$50~~] and an annual license fee [~~of \$25~~], except
2 that the department [~~commissioner~~] may not collect the processing
3 fee from an applicant for a driver education instructor license who
4 is currently teaching a driver education course in a public school
5 in this state.

6 (d) [~~(1)~~] The commission [~~commissioner~~] shall establish the
7 amount of the fee for a duplicate license.

8 (e) [~~(m)~~] The commission [~~commissioner~~] may establish a fee
9 for an application for approval to offer a driver education course
10 by an alternative method of instruction under Section 1001.3541 in
11 an amount the commission [~~commissioner~~] considers appropriate, not
12 to exceed the amount sufficient to cover the costs of considering
13 the application.

14 Sec. 1001.152. DUTY TO REVIEW AND RECOMMEND ADJUSTMENTS IN
15 FEE AMOUNTS. The commission [~~commissioner~~] shall periodically
16 review the amounts of fees and recommend to the legislature
17 adjustments to those amounts.

18 Sec. 1001.153. COMPLAINT INVESTIGATION FEE. (a) The
19 commission [~~commissioner~~] shall establish the amount of the fee to
20 investigate a driver training school or course provider to resolve
21 a complaint against the school or course provider.

22 (b) The fee may be charged only if:

23 (1) the complaint could not have been resolved solely
24 by telephone or in writing;

25 (2) a representative of the department [~~agency~~]
26 visited the school or course provider as a part of the complaint
27 resolution process; and

(3) the school or course provider was found to be at fault.

SECTION 142. Section 1001.202(b), Education Code, is amended to read as follows:

(b) A driving safety school may use multiple classroom locations to teach a driving safety course if each location:

(1) is approved by the parent school and the department ~~[agency]~~;

(2) has the same name as the parent school; and

(3) has the same ownership as the parent school.

SECTION 143. Sections 1001.203, 1001.204, 1001.205, and 1001.206, Education Code, are amended to read as follows:

Sec. 1001.203. APPLICATION. To operate or do business in this state, a driver training school must apply to the department ~~[commissioner]~~ for the appropriate license. The application must:

(1) be in writing;

(2) be in the form prescribed by the department ~~[commissioner]~~;

(3) include all required information; and

(4) be verified.

Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL LICENSE. The department ~~[commissioner]~~ shall approve an application for a driver education school license if, on investigation of the premises of the school, it is determined that the school:

(1) has courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve

1 the stated objective for which the courses, curricula, and
2 instruction are offered;

3 (2) has adequate space, equipment, instructional
4 material, and instructors to provide training of good quality in
5 the classroom and behind the wheel;

6 (3) has [~~directors,~~] instructors[~~, and~~
7 ~~administrators~~] who have adequate educational qualifications and
8 experience;

9 (4) provides to each student before enrollment:

10 (A) a copy of:

11 (i) the refund policy;

12 (ii) the schedule of tuition, fees, and
13 other charges; and

14 (iii) the regulations relating to absence,
15 grading policy, and rules of operation and conduct; and

16 (B) the department's name, mailing address,
17 [~~and~~] telephone number, and Internet website address [~~of the~~
18 ~~agency~~] for the purpose of directing complaints to the department
19 [~~agency~~];

20 (5) maintains adequate records as prescribed by the
21 department [~~commissioner~~] to show attendance and progress or grades
22 and enforces satisfactory standards relating to attendance,
23 progress, and conduct;

24 (6) on completion of training, issues each student a
25 certificate indicating the course name and satisfactory
26 completion;

27 (7) complies with all county, municipal, state, and

1 federal regulations, including fire, building, and sanitation
2 codes and assumed name registration;

3 (8) is financially sound and capable of fulfilling its
4 commitments for training;

5 (9) has [~~administrators, directors,~~] owners[~~7~~] and
6 instructors who are of good reputation and character;

7 (10) maintains and publishes as part of its student
8 enrollment contract the proper policy for the refund of the unused
9 portion of tuition, fees, and other charges if a student fails to
10 take the course or withdraws or is discontinued from the school at
11 any time before completion;

12 (11) does not use erroneous or misleading advertising,
13 either by actual statement, omission, or intimation, as determined
14 by the department [~~commissioner~~];

15 (12) does not use a name similar to the name of another
16 existing school or tax-supported educational institution in this
17 state, unless specifically approved in writing by the executive
18 director [~~commissioner~~];

19 (13) submits to the department [~~agency~~] for approval
20 the applicable course hour lengths and curriculum content for each
21 course offered by the school;

22 (14) does not owe an administrative penalty for a
23 violation of [~~under~~] this chapter; and

24 (15) meets any additional criteria required by the
25 department [~~agency~~].

26 Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL
27 LICENSE. The department [~~commissioner~~] shall approve an

1 application for a driving safety school license if on investigation
2 the department [~~agency~~] determines that the school:

3 (1) has driving safety courses, curricula, and
4 instruction of a quality, content, and length that reasonably and
5 adequately achieve the stated objective for which the course,
6 curricula, and instruction are developed by the course provider;

7 (2) has adequate space, equipment, instructional
8 material, and instructors to provide training of good quality;

9 (3) has instructors [~~and administrators~~] who have
10 adequate educational qualifications and experience;

11 (4) maintains adequate records as prescribed by the
12 department [~~commissioner~~] to show attendance and progress or grades
13 and enforces satisfactory standards relating to attendance,
14 progress, and conduct;

15 (5) complies with all county, municipal, state, and
16 federal laws, including fire, building, and sanitation codes and
17 assumed name registration;

18 (6) has [~~administrators,~~] owners[~~7~~] and instructors
19 who are of good reputation and character;

20 (7) does not use erroneous or misleading advertising,
21 either by actual statement, omission, or intimation, as determined
22 by the department [~~commissioner~~];

23 (8) does not use a name similar to the name of another
24 existing school or tax-supported educational establishment in this
25 state, unless specifically approved in writing by the executive
26 director [~~commissioner~~];

27 (9) maintains and uses the approved contract and

1 policies developed by the course provider;

2 (10) does not owe an administrative penalty for a
3 violation of ~~[under]~~ this chapter;

4 (11) will not provide a driving safety course to a
5 person for less than \$25; and

6 (12) meets additional criteria required by the
7 department ~~[commissioner]~~.

8 Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE.

9 The department ~~[commissioner]~~ shall approve an application for a
10 course provider license if on investigation the department ~~[agency]~~
11 determines that:

12 (1) the course provider has an approved course that at
13 least one licensed driving safety school is willing to offer;

14 (2) the course provider has adequate educational
15 qualifications and experience;

16 (3) the course provider will:

17 (A) develop and provide to each driving safety
18 school that offers the approved course a copy of:

19 (i) the refund policy; and

20 (ii) the regulations relating to absence,
21 grading policy, and rules of operation and conduct; and

22 (B) provide to the driving safety school the
23 department's name, mailing address, ~~[and]~~ telephone number, and
24 Internet website address ~~[of the agency]~~ for the purpose of
25 directing complaints to the department ~~[agency]~~;

26 (4) a copy of the information provided to each driving
27 safety school under Subdivision (3) will be provided to each

1 student by the school before enrollment;

2 (5) not later than the 15th working day after the date
3 a ~~[the]~~ person successfully completes the course, the course
4 provider will issue and deliver to the person by United States mail
5 or commercial delivery ~~[mail]~~ a uniform certificate of course
6 completion ~~[to the person]~~ indicating the course name and
7 successful completion;

8 (6) the course provider maintains adequate records as
9 prescribed by the department ~~[commissioner]~~ to show attendance and
10 progress or grades and enforces satisfactory standards relating to
11 attendance, progress, and conduct;

12 (7) the course provider complies with all county,
13 municipal, state, and federal laws, including assumed name
14 registration and other applicable requirements;

15 (8) the course provider is financially sound and
16 capable of fulfilling its commitments for training;

17 (9) the course provider is of good reputation and
18 character;

19 (10) the course provider maintains and publishes as a
20 part of its student enrollment contract the proper policy for the
21 refund of the unused portion of tuition, fees, and other charges if
22 a student fails to take the course or withdraws or is discontinued
23 from the school at any time before completion;

24 (11) the course provider does not use erroneous or
25 misleading advertising, either by actual statement, omission, or
26 intimation, as determined by the department ~~[commissioner]~~;

27 (12) the course provider does not use a name similar to

1 the name of another existing school or tax-supported educational
2 institution in this state, unless specifically approved in writing
3 by the executive director [~~commissioner~~];

4 (13) the course provider does not owe an
5 administrative penalty for a violation of [~~under~~] this chapter; and

6 (14) the course provider meets additional criteria
7 required by the department [~~commissioner~~].

8 SECTION 144. Sections 1001.207(a) and (b), Education Code,
9 are amended to read as follows:

10 (a) Before a driver education school may be issued a
11 license, the school must file a corporate surety bond with the
12 department [~~commissioner~~] in the amount of:

13 (1) \$10,000 for the primary location of the school;
14 and

15 (2) \$5,000 for each branch location.

16 (b) A bond issued under Subsection (a) must be:

17 (1) issued in a form approved by the department
18 [~~commissioner~~];

19 (2) issued by a company authorized to do business in
20 this state;

21 (3) payable to the state to be used only for payment of
22 a refund due to a student or potential student;

23 (4) conditioned on the compliance of the school and
24 its officers, agents, and employees with this chapter and rules
25 adopted under this chapter; and

26 (5) issued for a period corresponding to the term of
27 the license.

SECTION 145. Section 1001.209(b), Education Code, is amended to read as follows:

(b) A bond issued under Subsection (a) must be:

(1) issued by a company authorized to do business in this state;

(2) payable to the state to be used:

(A) for payment of a refund due a student of the course provider's approved course;

(B) to cover the payment of unpaid fees or penalties assessed by the executive director [~~agency~~]; or

(C) to recover any cost associated with providing course completion certificate numbers, including the cancellation of certificate numbers;

(3) conditioned on the compliance of the course provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(4) issued for a period corresponding to the term of the license.

SECTION 146. Section 1001.210, Education Code, is amended to read as follows:

Sec. 1001.210. ALTERNATE FORM OF SECURITY. Instead of the bond required by Section 1001.207 or 1001.209, a driver education school or course provider may provide another form of security that is:

(1) [~~(A)~~] approved by the department [~~commissioner~~];

and

(2) [~~(B)~~] in the amount required for a comparable bond

1 under Section 1001.207 or 1001.209.

2 SECTION 147. Sections 1001.211(a) and (b), Education Code,
3 are amended to read as follows:

4 (a) The executive director [~~commissioner~~] shall issue a
5 license to an applicant for a license under this subchapter if:

6 (1) the application is submitted in accordance with
7 this subchapter; and

8 (2) the applicant meets the requirements of this
9 chapter.

10 (b) A license must be in a form determined by the department
11 [~~commissioner~~] and must show in a clear and conspicuous manner:

12 (1) the date of issuance, effective date, and term of
13 the license;

14 (2) the name and address of the driver training school
15 or course provider;

16 (3) the authority for and conditions of approval;

17 (4) the executive director's [~~commissioner's~~]
18 signature; and

19 (5) any other fair and reasonable representation that
20 is consistent with this chapter and that the department
21 [~~commissioner~~] considers necessary.

22 SECTION 148. Section 1001.212, Education Code, is amended
23 to read as follows:

24 Sec. 1001.212. NOTICE OF DENIAL OF LICENSE. The department
25 [~~commissioner~~] shall provide a person whose application for a
26 license under this subchapter is denied a written statement of the
27 reasons for the denial.

SECTION 149. Sections 1001.213(c) and (d), Education Code, are amended to read as follows:

(c) The commission may establish ~~[Instead of the]~~ fees in amounts that are different from the amounts established under ~~[required by]~~ Section 1001.151~~[, the fee]~~ for a new driver education school or course provider license under Subsection (b) and [is \$500, plus \$200] for each branch location~~[,]~~ if:

(1) the new owner is substantially similar to the previous owner; and

(2) there is no significant change in the management or control of the driver education school or course provider.

(d) The department ~~[commissioner]~~ is not required to reinspect a school or a branch location after a change of ownership.

SECTION 150. Section 1001.214, Education Code, is amended to read as follows:

Sec. 1001.214. DUPLICATE LICENSE. A duplicate license may be issued to a driver training school or course provider if:

(1) the original license is lost or destroyed; and

(2) an affidavit of that fact is filed with the department ~~[agency]~~.

SECTION 151. Section 1001.251, Education Code, is amended to read as follows:

Sec. 1001.251. LICENSE REQUIRED FOR INSTRUCTOR. (a) A person may not teach or provide driver education, either as an individual or in a driver education school, or conduct any phase of driver education, unless the person holds a driver education instructor license issued by the executive director ~~[agency]~~.

1 (b) A person may not teach or provide driving safety
2 training, either as an individual or in a driving safety school, or
3 conduct any phase of driving safety education, unless the person
4 holds a driving safety instructor license issued by the executive
5 director [~~agency~~]. This subsection does not apply to an instructor
6 of a driving safety course that does not provide a uniform
7 certificate of course completion to its graduates.

8 SECTION 152. Sections 1001.2511(b), (c), (d), (e), and (f),
9 Education Code, are amended to read as follows:

10 (b) The department [~~agency~~] shall review the national
11 criminal history record information of a person who holds a license
12 described by Subsection (a).

13 (c) The executive director [~~agency~~] shall place a license
14 described by Subsection (a) on inactive status for the license
15 holder's failure to comply with a deadline for submitting
16 information required under this section.

17 (d) The department [~~agency~~] may allow a person who is
18 applying for a license described by Subsection (a) and who
19 currently resides in another state to submit the person's
20 fingerprints and other required information in a manner that does
21 not impose an undue hardship on the person.

22 (e) The commission [~~commissioner~~] may adopt rules to
23 administer this section, including rules establishing:

24 (1) deadlines for a person to submit fingerprints and
25 photographs in compliance with this section;

26 (2) sanctions for a person's failure to comply with the
27 requirements of this section, including suspension or revocation of

or refusal to issue a license described by Subsection (a); and

(3) notification to a driver education school of relevant information obtained by the department [~~agency~~] under this section.

(f) The department [~~agency~~] is not civilly or criminally liable for an action taken in compliance with this section.

SECTION 153. Section 1001.2512, Education Code, is amended to read as follows:

Sec. 1001.2512. FEES FOR CRIMINAL HISTORY RECORD INFORMATION REVIEW. The commission [~~commissioner~~] by rule shall require a person submitting to a national criminal history record information review under Section 1001.2511 or the driver education school employing the person, as determined by the department [~~agency~~], to pay a fee for the review in an amount not to exceed the amount of any fee imposed on an application for certification under Subchapter B, Chapter 21, for a national criminal history record information review under Section 22.0837.

SECTION 154. Sections 1001.2514(a), (b), and (d), Education Code, are amended to read as follows:

(a) A driver education school shall discharge or refuse to hire as an instructor an employee or applicant for employment if the department [~~agency~~] obtains information through a criminal history record information review that:

- (1) the employee or applicant has been convicted of:
 - (A) a felony offense under Title 5, Penal Code;
 - (B) an offense on conviction of which a defendant is required to register as a sex offender under Chapter 62, Code of

1 Criminal Procedure; or

2 (C) an offense under the laws of another state or
3 federal law that is equivalent to an offense under Paragraph (A) or
4 (B); and

5 (2) at the time the offense occurred, the victim of the
6 offense described by Subdivision (1) was under 18 years of age or
7 was enrolled in a public school.

8 (b) The executive director [~~agency~~] shall suspend or revoke
9 a license described by Section 1001.2511(a) held by a person under
10 this subchapter and shall refuse to issue or renew a license
11 described by Section 1001.2511(a) to a person under this subchapter
12 if the person has been convicted of an offense described by
13 Subsection (a) of this section.

14 (d) A driver education school may discharge an employee who
15 serves as an instructor if the school obtains information of the
16 employee's conviction of a felony or of a misdemeanor involving
17 moral turpitude that the employee did not disclose to the school or
18 the department [~~agency~~]. An employee discharged under this
19 subsection is considered to have been discharged for misconduct for
20 purposes of Section 207.044, Labor Code.

21 SECTION 155. Section 1001.252, Education Code, is amended
22 to read as follows:

23 Sec. 1001.252. SIGNATURE AND SEAL ON LICENSE REQUIRED. A
24 license under this subchapter must be signed by the executive
25 director [~~commissioner~~].

26 SECTION 156. Sections 1001.253(a), (b), (c), (d), (e), and
27 (f), Education Code, are amended to read as follows:

1 (a) The department [~~commissioner~~] shall establish standards
2 for certification of professional and paraprofessional personnel
3 who conduct driver education programs in driver education schools.

4 (b) A driver education instructor license authorizing a
5 person to teach or provide behind-the-wheel training may not be
6 issued unless the person has successfully completed six semester
7 hours of driver and traffic safety education or a program of study
8 in driver education approved by the department [~~commissioner~~] from
9 an approved driver education school.

10 (c) A person who holds a driver education instructor license
11 authorizing behind-the-wheel training may not be approved to assist
12 a classroom instructor in the classroom phase of driver education
13 unless the person has successfully completed the three additional
14 semester hours of training required for a classroom instructor or a
15 program of study in driver education approved by the department
16 [~~commissioner~~].

17 (d) Except as provided by Subsection (g) or Section
18 1001.254, a driver education instructor license authorizing a
19 person to teach or provide classroom training may not be issued
20 unless the person:

21 (1) has completed nine semester hours of driver and
22 traffic safety education or a program of study in driver education
23 approved by the department [~~commissioner~~] from an approved driver
24 education school; and

25 (2) holds a teaching certificate and any additional
26 certification required to teach driver education.

27 (e) A driver education instructor who has completed the

1 educational requirements prescribed by Subsection (d)(1) may not
2 teach instructor training classes unless the instructor has
3 successfully completed a supervising instructor development
4 program consisting of at least six additional semester hours or a
5 program of study in driver education approved by the department
6 [~~commissioner~~] that includes administering driver education
7 programs and supervising and administering traffic safety
8 education.

9 (f) A driver education school may submit for department
10 [~~agency~~] approval a curriculum for an instructor development
11 program for driver education instructors. The program must:

12 (1) be taught by a person who has completed a
13 supervising instructor development program under Subsection (e);
14 and

15 (2) satisfy the requirements of this section for the
16 particular program or type of training to be provided.

17 SECTION 157. Section 1001.254(a), Education Code, is
18 amended to read as follows:

19 (a) A temporary driver education instructor license may be
20 issued authorizing a person to teach or provide classroom driver
21 education training if the person:

22 (1) has completed the educational requirements
23 prescribed by Section 1001.253(d)(1);

24 (2) holds a Texas teaching certificate with an
25 effective date before February 1, 1986;

26 (3) meets all license requirements, other than
27 successful completion of the examination required under rules

1 adopted by the commissioner of education [~~State Board for Educator~~
2 ~~Certification~~] to revalidate the teaching certificate; and

3 (4) demonstrates, in a manner prescribed by the
4 department [~~commissioner~~], the intention to comply with the
5 examination requirement at the first available opportunity.

6 SECTION 158. Sections 1001.255(a), (b), and (c), Education
7 Code, are amended to read as follows:

8 (a) The department [~~agency~~] shall regulate as a driver
9 education school a driver education instructor who:

10 (1) teaches driver education courses in a county
11 having a population of 50,000 or less; and

12 (2) does not teach more than 200 students annually.

13 (b) An instructor described by Subsection (a) must submit to
14 the department [~~agency~~] an application for an initial or renewal
15 driver education school license, together with all required
16 documentation and information.

17 (c) The department [~~commissioner~~] may waive initial or
18 renewal driver education school license fees or the fee for a
19 director or administrative staff member.

20 SECTION 159. Section 1001.256, Education Code, is amended
21 to read as follows:

22 Sec. 1001.256. DUPLICATE LICENSE. A duplicate license may
23 be issued to a driver education instructor or driving safety
24 instructor if:

25 (1) the original license is lost or destroyed; and

26 (2) an affidavit of that fact is filed with the
27 department [~~agency~~].

SECTION 160. Section 1001.257, Education Code, is amended to read as follows:

Sec. 1001.257. DENIAL OF LICENSE. The executive director ~~[commissioner]~~ may not issue or renew a driver education instructor license, including a temporary license, to a person who has six or more points assigned to the person's driver's license under Subchapter B, Chapter 708, Transportation Code.

SECTION 161. Section 1001.303, Education Code, is amended to read as follows:

Sec. 1001.303. RENEWAL OF SCHOOL OR COURSE PROVIDER LICENSE. (a) To renew the license of a driver education school, driving safety school, or course provider, the school or course provider must submit to the department ~~[commissioner]~~ a complete application for renewal at least 30 days before the expiration date of the license.

(b) A school or course provider that does not comply with Subsection (a) must, as a condition of renewal of the person's license, pay a late renewal fee. The late renewal fee is in addition to the annual renewal fee. The commission by rule shall establish a late renewal fee ~~[must be in the amount established by board rule of at least \$100, subject to Subchapter D]~~.

(c) The department ~~[commissioner]~~ may reexamine a driver education school's premises.

(d) The executive director ~~[commissioner]~~ shall renew or cancel the driver education school, driving safety school, or course provider license.

SECTION 162. Sections 1001.304(b) and (c), Education Code,

1 are amended to read as follows:

2 (b) The continuing education must be:

3 (1) in courses approved by the department
4 ~~[commissioner]~~; and

5 (2) for the number of hours established by the
6 commission ~~[commissioner]~~.

7 (c) An applicant who does not comply with Subsection (a)
8 must pay a late renewal fee in the amount established by commission
9 rule ~~[of \$25]~~.

10 SECTION 163. Sections 1001.351(a) and (b), Education Code,
11 are amended to read as follows:

12 (a) Not later than the 15th working day after the course
13 completion date, a course provider or a person at the course
14 provider's facilities shall issue and deliver by United States mail
15 or commercial delivery a uniform certificate of course completion
16 ~~[by mail or commercial delivery]~~ to a person who successfully
17 completes an approved driving safety course.

18 (b) A course provider shall electronically submit to the
19 department ~~[agency]~~ in the manner established by the department
20 ~~[agency]~~ data identified by the department ~~[agency]~~ relating to
21 uniform certificates of course completion issued by the course
22 provider.

23 SECTION 164. Sections 1001.354(a) and (b), Education Code,
24 are amended to read as follows:

25 (a) A driving safety course may be taught at a driving
26 safety school if the school is approved by the department ~~[agency]~~.

27 (b) A driving safety school may teach an approved driving

1 safety course by an alternative method that does not require
2 students to be present in a classroom if the department
3 ~~[commissioner]~~ approves the alternative method. The department
4 ~~[commissioner]~~ may approve the alternative method if:

5 (1) the department ~~[commissioner]~~ determines that the
6 approved driving safety course can be taught by the alternative
7 method; and

8 (2) the alternative method includes testing and
9 security measures that are at least as secure as the measures
10 available in the usual classroom setting.

11 SECTION 165. Section 1001.3541, Education Code, is amended
12 to read as follows:

13 Sec. 1001.3541. ALTERNATIVE METHOD OF INSTRUCTION FOR
14 DRIVER EDUCATION COURSE. (a) A driver education school may teach
15 all or part of the classroom portion of an approved driver education
16 course by an alternative method of instruction that does not
17 require students to be present in a classroom if the department
18 ~~[commissioner]~~ approves the alternative method.

19 (b) The department ~~[commissioner]~~ may approve the
20 alternative method only if:

21 (1) the alternative method includes testing and
22 security measures that the department ~~[commissioner]~~ determines
23 are at least as secure as the measures available in the usual
24 classroom setting; and

25 (2) the course, with the use of the alternative
26 method, satisfies any other requirement applicable to a course in
27 which the classroom portion is taught to students in the usual

1 classroom setting.

2 SECTION 166. Sections 1001.404(b) and (c), Education Code,
3 are amended to read as follows:

4 (b) The department [~~commissioner~~] shall establish annually
5 the rate of interest for a refund at a rate sufficient to provide a
6 deterrent to the retention of student money.

7 (c) The department [~~agency~~] may except a driver education
8 school or course provider from the payment of interest if the school
9 or course provider makes a good-faith effort to refund tuition,
10 fees, and other charges but is unable to locate the student to whom
11 the refund is owed. On request of the department [~~agency~~], the
12 school or course provider shall document the effort to locate a
13 student.

14 SECTION 167. Sections 1001.451 and 1001.452, Education
15 Code, are amended to read as follows:

16 Sec. 1001.451. PROHIBITED PRACTICES. A person may not:

17 (1) use advertising designed to mislead or deceive a
18 prospective student;

19 (2) fail to notify the department [~~commissioner~~] of
20 the discontinuance of the operation of a driver training school
21 before the fourth working day after the date of cessation of classes
22 and make available accurate records as required by this chapter;

23 (3) issue, sell, trade, or transfer:

24 (A) a uniform certificate of course completion or
25 driver education certificate to a person or driver training school
26 not authorized to possess the certificate;

27 (B) a uniform certificate of course completion to

1 a person who has not successfully completed an approved, six-hour
2 driving safety course; or

3 (C) a driver education certificate to a person
4 who has not successfully completed a department-approved
5 ~~[commissioner-approved]~~ driver education course;

6 (4) negotiate a promissory instrument received as
7 payment of tuition or another charge before the student completes
8 75 percent of the course, except that before that time the
9 instrument may be assigned to a purchaser who becomes subject to any
10 defense available against the school named as payee; or

11 (5) conduct any part of an approved driver education
12 course or driving safety course without having an instructor
13 physically present in appropriate proximity to the student for the
14 type of instruction being given.

15 Sec. 1001.452. COURSE OF INSTRUCTION. A driver training
16 school may not maintain, advertise, solicit for, or conduct a
17 course of instruction in this state before the later of:

18 (1) the 30th day after the date the school applies for
19 a driver training school license; or

20 (2) the date the school receives a driver training
21 school license from the department ~~[commissioner]~~.

22 SECTION 168. Sections 1001.453(d) and (e), Education Code,
23 are amended to read as follows:

24 (d) Subchapter F, Chapter 51, Occupations Code, Section
25 51.353, Occupations Code, and Sections [1001.454,] 1001.456(a) [7]
26 and 1001.553 of this code do not apply to a violation of this
27 section or a rule adopted under this section.

1 (e) Section 51.352, Occupations Code, and Sections
2 1001.455(a)(6), 1001.501, [~~1001.551, 1001.552,~~] and 1001.554 of
3 this code do not apply to a violation of this section.

4 SECTION 169. Section 1001.455, Education Code, is amended
5 to read as follows:

6 Sec. 1001.455. DENIAL, SUSPENSION, OR REVOCATION OF
7 INSTRUCTOR LICENSE. (a) The executive director [~~agency~~] may deny
8 an application for an instructor license or suspend or revoke the
9 license of an instructor if the instructor:

10 (1) fails to meet a requirement for issuance of or
11 holding a license under this chapter;

12 (2) permits fraud or engages in fraudulent practices
13 relating to the application;

14 (3) induces or countenances fraud or fraudulent
15 practices on the part of an applicant for a driver's license or
16 permit;

17 (4) permits or engages in any other fraudulent
18 practice in an action between the applicant or license holder and
19 the public;

20 (5) fails to comply with commission [~~agency~~] rules
21 relating to driver instruction; or

22 (6) fails to comply with this chapter.

23 (b) Not later than the 10th day after the date of a denial,
24 suspension, or revocation under this section, the department
25 [~~agency~~] shall notify the applicant or license holder of that
26 action by certified mail.

27 SECTION 170. Section 1001.456, Education Code, is amended

to read as follows:

Sec. 1001.456. OTHER DISCIPLINARY ACTIONS. (a) If the executive director [~~agency~~] believes that a driver education school or instructor has violated this chapter or a rule adopted under this chapter, the executive director [~~agency~~] may, without notice:

- (1) order a peer review;
- (2) suspend the enrollment of students in the school or the offering of instruction by the instructor; or
- (3) suspend the right to purchase driver education certificates.

(b) If the executive director [~~agency~~] believes that a course provider, driving safety school, or driving safety instructor has violated this chapter or a rule adopted under this chapter, the executive director [~~agency~~] may, without notice:

- (1) order a peer review of the course provider, driving safety school, or driving safety instructor;
- (2) suspend the enrollment of students in the school or the offering of instruction by the instructor; or
- (3) suspend the right to purchase course completion certificate numbers.

(c) A peer review ordered under this section must be conducted by a team of knowledgeable persons selected by the department [~~agency~~]. The team shall provide the department [~~agency~~] with an objective assessment of the content of the school's or course provider's curriculum and its application. The school or course provider shall pay the costs of the peer review.

(d) A suspension of enrollment under Subsection (a)(2) or

(b)(2) means a ruling by the executive director [~~commissioner~~] that restricts a school from:

- (1) accepting enrollments or reenrollments;
- (2) advertising;
- (3) soliciting; or
- (4) directly or indirectly advising prospective students of its program or course offerings.

SECTION 171. Section 1001.458, Education Code, is amended to read as follows:

Sec. 1001.458. SURRENDER OF LICENSE. (a) A license holder whose license is suspended or revoked shall surrender the license to the department [~~agency~~] not later than the fifth day after the date of suspension or revocation.

(b) The department [~~agency~~] may reinstate a suspended license on full compliance by the license holder with this chapter.

SECTION 172. Section 1001.459, Education Code, is amended to read as follows:

Sec. 1001.459. APPEAL AND REQUEST FOR HEARING. (a) A person aggrieved by a denial, suspension, or revocation of a license may appeal the action and request a hearing before the State Office of Administrative Hearings, which shall promptly set a hearing date and give written notice of the time and place of the hearing to the person. An administrative law judge of the State Office of Administrative Hearings shall conduct the hearing [~~commissioner~~].

(b) The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the commission a

1 proposal for a decision about the appealed action [~~request must be~~
2 ~~submitted not later than the 15th day after the date the person~~
3 ~~receives notice under Section 1001.455. On receipt of a request for~~
4 ~~a hearing, the commissioner shall set a time and place for the~~
5 ~~hearing and send notice of the time and place to the aggrieved~~
6 ~~person~~].

7 SECTION 173. Sections 1001.553(a), (b), and (c), Education
8 Code, are amended to read as follows:

9 (a) After an opportunity for a hearing, the executive
10 director or commission [~~commissioner~~] may impose an administrative
11 penalty on a person who violates this chapter or a rule adopted
12 under this chapter.

13 (b) The amount of the penalty may not exceed \$5,000 [~~\$1,000~~]
14 a day for each violation.

15 (c) An administrative penalty under this section shall be
16 imposed and collected as provided by Subchapter F, Chapter 51,
17 Occupations Code. [~~The attorney general, at the request of the~~
18 ~~agency, may bring an action to collect the penalty.~~]

19 SECTION 174. Section 1001.555(b), Education Code, is
20 amended to read as follows:

21 (b) The department [~~agency~~] shall contract with the
22 Department of Public Safety [~~department~~] to provide undercover and
23 investigative assistance in the enforcement of Subsection (a).

24 SECTION 175. Articles 15.27(a) and (1), Code of Criminal
25 Procedure, are amended to read as follows:

26 (a) A law enforcement agency that arrests any person or
27 refers a child to the office or official designated by the juvenile

1 board who the agency believes is enrolled as a student in a public
 2 primary or secondary school, for an offense listed in Subsection
 3 (h), shall attempt to ascertain whether the person is so enrolled.
 4 If the law enforcement agency ascertains that the individual is
 5 enrolled as a student in a public primary or secondary school, the
 6 head of the agency or a person designated by the head of the agency
 7 shall orally notify the superintendent or a person designated by
 8 the superintendent in the school district in which the student is
 9 enrolled of that arrest or referral within 24 hours after the arrest
 10 or referral is made, or before the next school day, whichever is
 11 earlier. If the law enforcement agency cannot ascertain whether
 12 the individual is enrolled as a student, the head of the agency or a
 13 person designated by the head of the agency shall orally notify the
 14 superintendent or a person designated by the superintendent in the
 15 school district in which the student is believed to be enrolled of
 16 that arrest or detention within 24 hours after the arrest or
 17 detention, or before the next school day, whichever is earlier. If
 18 the individual is a student, the superintendent or the
 19 superintendent's designee shall immediately notify all
 20 instructional and support personnel who have responsibility for
 21 supervision of the student. All personnel shall keep the
 22 information received in this subsection confidential. The
 23 commissioner of education [~~State Board for Educator Certification~~]
 24 may revoke or suspend the certification of personnel who
 25 intentionally violate this subsection. Within seven days after the
 26 date the oral notice is given, the head of the law enforcement
 27 agency or the person designated by the head of the agency shall mail

1 written notification, marked "PERSONAL and CONFIDENTIAL" on the
2 mailing envelope, to the superintendent or the person designated by
3 the superintendent. The written notification must include the
4 facts contained in the oral notification, the name of the person who
5 was orally notified, and the date and time of the oral notification.
6 Both the oral and written notice shall contain sufficient details
7 of the arrest or referral and the acts allegedly committed by the
8 student to enable the superintendent or the superintendent's
9 designee to determine whether there is a reasonable belief that the
10 student has engaged in conduct defined as a felony offense by the
11 Penal Code. The information contained in the notice shall be
12 considered by the superintendent or the superintendent's designee
13 in making such a determination.

14 (1) If a school district board of trustees learns of a
15 failure by the superintendent of the district or a district
16 principal to provide a notice required under Subsection (a), (a-1),
17 or (b), the board of trustees shall report the failure to the
18 commissioner of education [~~State Board for Educator~~
19 ~~Certification~~]. If the governing body of a private primary or
20 secondary school learns of a failure by the principal of the school
21 to provide a notice required under Subsection (e), and the
22 principal holds a certificate issued under Subchapter B, Chapter
23 21, Education Code, the governing body shall report the failure to
24 the commissioner of education [~~State Board for Educator~~
25 ~~Certification~~].

26 SECTION 176. Article 42.018(b), Code of Criminal Procedure,
27 is amended to read as follows:

1 (b) Not later than the fifth day after the date a person who
2 holds a certificate issued under Subchapter B, Chapter 21,
3 Education Code, is convicted or granted deferred adjudication on
4 the basis of an offense, the clerk of the court in which the
5 conviction or deferred adjudication is entered shall provide to the
6 commissioner of education [~~State Board for Educator Certification~~]
7 written notice of the person's conviction or deferred adjudication,
8 including the offense on which the conviction or deferred
9 adjudication was based.

10 SECTION 177. Article 45.0511(b), Code of Criminal
11 Procedure, is amended to read as follows:

12 (b) The judge shall require the defendant to successfully
13 complete a driving safety course approved by the Texas Department
14 of Licensing and Regulation [~~Education Agency~~] or a course under
15 the motorcycle operator training and safety program approved by the
16 designated state agency under Chapter 662, Transportation Code, if:

17 (1) the defendant elects driving safety course or
18 motorcycle operator training course dismissal under this article;

19 (2) the defendant:

20 (A) has not completed an approved driving safety
21 course or motorcycle operator training course, as appropriate,
22 within the 12 months preceding the date of the offense; or

23 (B) does not have a valid Texas driver's license
24 or permit, is a member, or the spouse or dependent child of a
25 member, of the United States military forces serving on active
26 duty, and has not completed a driving safety course or motorcycle
27 operator training course, as appropriate, in another state within

1 the 12 months preceding the date of the offense;

2 (3) the defendant enters a plea under Article 45.021
3 in person or in writing of no contest or guilty on or before the
4 answer date on the notice to appear and:

5 (A) presents in person or by counsel to the court
6 a request to take a course; or

7 (B) sends to the court by certified mail, return
8 receipt requested, postmarked on or before the answer date on the
9 notice to appear, a written request to take a course;

10 (4) the defendant:

11 (A) has a valid Texas driver's license or permit;
12 or

13 (B) is a member, or the spouse or dependent child
14 of a member, of the United States military forces serving on active
15 duty;

16 (5) the defendant is charged with an offense to which
17 this article applies, other than speeding at a speed of:

18 (A) 95 miles per hour or more; or

19 (B) 25 miles per hour or more over the posted
20 speed limit; and

21 (6) the defendant provides evidence of financial
22 responsibility as required by Chapter 601, Transportation Code.

23 SECTION 178. Sections 261.308(d) and (e), Family Code, are
24 amended to read as follows:

25 (d) The department shall release information regarding a
26 person alleged to have committed abuse or neglect to persons who
27 have control over the person's access to children, including, as

1 appropriate, the Texas Education Agency, [~~the State Board for~~
2 ~~Educator Certification,~~] the local school board or the school's
3 governing body, the superintendent of the school district, or the
4 school principal or director if the department determines that:

5 (1) the person alleged to have committed abuse or
6 neglect poses a substantial and immediate risk of harm to one or
7 more children outside the family of a child who is the subject of
8 the investigation; and

9 (2) the release of the information is necessary to
10 assist in protecting one or more children from the person alleged to
11 have committed abuse or neglect.

12 (e) On request, the department shall release information
13 about a person alleged to have committed abuse or neglect to the
14 commissioner of education [~~State Board for Educator Certification~~]
15 if the commissioner [~~board~~] has a reasonable basis for believing
16 that the information is necessary to assist the commissioner
17 [~~board~~] in protecting children from the person alleged to have
18 committed abuse or neglect.

19 SECTION 179. Section 261.406(b), Family Code, is amended to
20 read as follows:

21 (b) The department shall send a copy of the completed report
22 of the department's investigation to the Texas Education Agency,
23 [~~the State Board for Educator Certification,~~] the local school
24 board or the school's governing body, the superintendent of the
25 school district, and the school principal or director, unless the
26 principal or director is alleged to have committed the abuse or
27 neglect, for appropriate action. On request, the department shall

1 provide a copy of the report of investigation to the parent,
 2 managing conservator, or legal guardian of a child who is the
 3 subject of the investigation and to the person alleged to have
 4 committed the abuse or neglect. The report of investigation shall
 5 be edited to protect the identity of the persons who made the report
 6 of abuse or neglect. Other than the persons authorized by the
 7 section to receive a copy of the report, Section 261.201(b) applies
 8 to the release of the report relating to the investigation of abuse
 9 or neglect under this section and to the identity of the person who
 10 made the report of abuse or neglect.

11 SECTION 180. Section 411.081(i), Government Code, is
 12 amended to read as follows:

13 (i) A criminal justice agency may disclose criminal history
 14 record information that is the subject of an order of nondisclosure
 15 under Subsection (d) to the following noncriminal justice agencies
 16 or entities only:

17 (1) ~~the State Board for Educator Certification,~~
 18 ~~(2)~~ a school district, charter school, private
 19 school, regional education service center, commercial
 20 transportation company, or education shared service arrangement;

21 (2) ~~(3)~~ the Texas Medical Board;

22 (3) ~~(4)~~ the Texas School for the Blind and Visually
 23 Impaired;

24 (4) ~~(5)~~ the Board of Law Examiners;

25 (5) ~~(6)~~ the State Bar of Texas;

26 (6) ~~(7)~~ a district court regarding a petition for
 27 name change under Subchapter B, Chapter 45, Family Code;

1 (7) [~~(8)~~] the Texas School for the Deaf;
2 (8) [~~(9)~~] the Department of Family and Protective
3 Services;
4 (9) [~~(10)~~] the Texas Juvenile Justice Department
5 [~~Youth Commission~~];
6 (10) [~~(11)~~] the Department of Assistive and
7 Rehabilitative Services;
8 (11) [~~(12)~~] the Department of State Health Services, a
9 local mental health service, a local mental retardation authority,
10 or a community center providing services to persons with mental
11 illness or retardation;
12 (12) [~~(13)~~] the Texas Private Security Board;
13 (13) [~~(14)~~] a municipal or volunteer fire department;
14 (14) [~~(15)~~] the Texas Board of Nursing;
15 (15) [~~(16)~~] a safe house providing shelter to children
16 in harmful situations;
17 (16) [~~(17)~~] a public or nonprofit hospital or hospital
18 district;
19 (17) [~~(18)~~] ~~the Texas Juvenile Probation Commission,~~
20 [~~(19)~~] the securities commissioner, the banking
21 commissioner, the savings and mortgage lending commissioner, the
22 consumer credit commissioner, or the credit union commissioner;
23 (18) [~~(20)~~] the Texas State Board of Public
24 Accountancy;
25 (19) [~~(21)~~] the Texas Department of Licensing and
26 Regulation;
27 (20) [~~(22)~~] the Health and Human Services Commission;

1 (21) [~~(23)~~] the Department of Aging and Disability
2 Services;

3 (22) [~~(24)~~] the Texas Education Agency;

4 (23) [~~(25)~~] the Guardianship Certification Board;

5 (24) [~~(26)~~] a county clerk's office in relation to a
6 proceeding for the appointment of a guardian under Chapter XIII,
7 Texas Probate Code;

8 (25) [~~(27)~~] the Department of Information Resources
9 but only regarding an employee, applicant for employment,
10 contractor, subcontractor, intern, or volunteer who provides
11 network security services under Chapter 2059 to:

12 (A) the Department of Information Resources; or

13 (B) a contractor or subcontractor of the
14 Department of Information Resources;

15 (26) [~~(28)~~] the Court Reporters Certification Board;

16 (27) [~~(29)~~] the Texas Department of Insurance; and

17 (28) [~~(30)~~] the Teacher Retirement System of Texas.

18 SECTION 181. Section 411.0901, Government Code, is amended
19 to read as follows:

20 Sec. 411.0901. ACCESS TO CRIMINAL HISTORY RECORD
21 INFORMATION: TEXAS EDUCATION AGENCY. (a) The Texas Education
22 Agency is entitled to obtain criminal history record information
23 maintained by the department about a person who:

24 (1) has applied to the commissioner of education for a
25 certificate under Subchapter B, Chapter 21, Education Code;

26 (2) is employed or is an applicant for employment by a
27 school district or open-enrollment charter school;

1 (3) [~~(2)~~] is employed or is an applicant for
2 employment by a shared services arrangement, if the employee's or
3 applicant's duties are or will be performed on school property or at
4 another location where students are regularly present; or

5 (4) [~~(3)~~] is employed or is an applicant for
6 employment by an entity that contracts with a school district,
7 open-enrollment charter school, or shared services arrangement if:

8 (A) the employee or applicant has or will have
9 continuing duties relating to the contracted services; and

10 (B) the employee or applicant has or will have
11 direct contact with students.

12 (b) Criminal history record information obtained by the
13 agency in the original form or any subsequent form:

14 (1) may be used only for a purpose authorized by the
15 Education Code;

16 (2) may not be released to any person except:

17 (A) the person who is the subject of the
18 information;

19 (B) [~~the State Board for Educator Certification,~~

20 [~~(C)~~] a local or regional educational entity as
21 provided by Section 411.097; or

22 (C) [~~(D)~~] by court order;

23 (3) is not subject to disclosure as provided by
24 Chapter 552; and

25 (4) shall be destroyed by the agency after the
26 information is used for the authorized purposes.

27 (c) The department shall notify the agency of the arrest of

1 any educator, as defined by Section 5.001, Education Code, who has
2 fingerprints on file with the department. Any record of the
3 notification and any information contained in the notification are
4 not subject to disclosure as provided by Chapter 552.

5 SECTION 182. Section 411.097(d), Government Code, is
6 amended to read as follows:

7 (d) Criminal history record information obtained by a
8 school district, charter school, private school, service center,
9 commercial transportation company, or shared services arrangement
10 in the original form or any subsequent form:

11 (1) may not be released to any person except:

12 (A) the individual who is the subject of the
13 information;

14 (B) the Texas Education Agency;

15 (C) ~~[the State Board for Educator Certification,~~

16 ~~[(D)]~~ the chief personnel officer of the
17 transportation company, if the information is obtained under
18 Subsection (a)(2); or

19 (D) ~~[(E)]~~ by court order;

20 (2) is not subject to disclosure as provided by
21 Chapter 552; and

22 (3) shall be destroyed by the school district, charter
23 school, private school, service center, commercial transportation
24 company, or shared services arrangement on the earlier of:

25 (A) the first anniversary of the date the
26 information was originally obtained; or

27 (B) the date the information is used for the

1 authorized purpose.

2 SECTION 183. Section 654.011(a), Government Code, is
3 amended to read as follows:

4 (a) The position classification plan and the salary rates
5 and provisions in the General Appropriations Act apply to all
6 hourly, part-time, temporary, and regular, full-time salaried
7 employments in the state departments, agencies, or judicial
8 entities specified in the articles of the General Appropriations
9 Act that appropriate money to:

- 10 (1) general government agencies;
- 11 (2) health and human services agencies;
- 12 (3) the judiciary, except for judges, district
13 attorneys, and assistant district attorneys;
- 14 (4) public safety and criminal justice agencies;
- 15 (5) natural resources agencies;
- 16 (6) business and economic development agencies;
- 17 (7) regulatory agencies; and
- 18 (8) agencies of public education, but only the Texas
19 Education Agency, the Texas School for the Blind and Visually
20 Impaired, ~~[the State Board for Educator Certification]~~, and the
21 Texas School for the Deaf.

22 SECTION 184. Section 821.001(7), Government Code, is
23 amended to read as follows:

24 (7) "Employer" means any agents or agencies in the
25 state responsible for public education, including the governing
26 board of any school district created under the laws of this state,
27 any county school board, the board of trustees, the board of regents

1 of any college or university, or any other legally constituted
2 board or agency of any public school, but excluding the State Board
3 of Education and~~[7]~~ the Texas Education Agency~~[7, and the State~~
4 ~~Board for Educator Certification]~~.

5 SECTION 185. Section 821.103, Government Code, is amended
6 to read as follows:

7 Sec. 821.103. CANCELLATION OF TEACHER CERTIFICATE. (a)
8 After receiving notice from the board of trustees of an offense
9 under Section 821.101 and after complying with Chapter 2001 and
10 rules adopted by the commissioner of education ~~[State Board for~~
11 ~~Educator Certification]~~, the commissioner ~~[State Board for~~
12 ~~Educator Certification]~~ may cancel the teacher certificate of a
13 person if the commissioner ~~[State Board for Educator Certification]~~
14 determines that the person committed the offense.

15 (b) The commissioner of education ~~[executive director of~~
16 ~~the State Board for Educator Certification]~~ may enter into an
17 agreed sanction.

18 (c) A criminal prosecution of an offender under Section
19 821.101 is not a prerequisite to action by the Texas Education
20 Agency ~~[State Board for Educator Certification]~~ or the commissioner
21 of education ~~[its executive director]~~.

22 SECTION 186. Section 2054.352(a), Government Code, is
23 amended to read as follows:

24 (a) The following licensing entities shall participate in
25 the system established under Section 2054.353:

- 26 (1) Texas Board of Chiropractic Examiners;
27 (2) Court Reporters Certification Board;

- 1 (3) State Board of Dental Examiners;
- 2 (4) Texas Funeral Service Commission;
- 3 (5) Texas Board of Professional Land Surveying;
- 4 (6) Texas Medical Board;
- 5 (7) Texas Board of Nursing;
- 6 (8) Texas Optometry Board;
- 7 (9) Department of Agriculture, for licenses issued
- 8 under Chapter 1951, Occupations Code;
- 9 (10) Texas State Board of Pharmacy;
- 10 (11) Executive Council of Physical Therapy and
- 11 Occupational Therapy Examiners;
- 12 (12) Texas State Board of Plumbing Examiners;
- 13 (13) Texas State Board of Podiatric Medical Examiners;
- 14 (14) Texas State Board of Examiners of Psychologists;
- 15 (15) State Board of Veterinary Medical Examiners;
- 16 (16) Texas Real Estate Commission;
- 17 (17) Texas Appraiser Licensing and Certification
- 18 Board;
- 19 (18) Texas Department of Licensing and Regulation;
- 20 (19) Texas State Board of Public Accountancy;
- 21 (20) commissioner of education, for certificates
- 22 issued under Subchapter B, Chapter 21, Education Code [~~State Board~~
- 23 ~~for Educator Certification~~];
- 24 (21) Texas Board of Professional Engineers;
- 25 (22) Department of State Health Services;
- 26 (23) Texas Board of Architectural Examiners;
- 27 (24) Texas Racing Commission;

(25) Commission on Law Enforcement Officer Standards
and Education; and

(26) Texas Private Security Board.

SECTION 187. Section 48.102(a), Human Resources Code, is
amended to read as follows:

(a) The department shall send a written report of the
department's investigation of alleged abuse, neglect, or
exploitation of a disabled adult at a school, as appropriate, to the
Texas Education Agency, ~~[the agency responsible for teacher
certification,~~ the local school board or the school's governing
body, and the school principal or director, unless the principal or
director is alleged to have committed the abuse, neglect, or
exploitation. The entity to which the report is sent shall take
appropriate action.

SECTION 188. Subtitle B, Title 4, Labor Code, is amended by
adding Chapter 315 to read as follows:

CHAPTER 315. ADULT EDUCATION PROGRAMS

Sec. 315.001. DEFINITIONS. In this chapter:

(1) "Adult" means any individual who is over the age of
compulsory school attendance prescribed by Section 25.085,
Education Code.

(2) "Adult education" means services and instruction
provided below the college level for adults by public local
education agencies, public nonprofit agencies, or community-based
organizations.

(3) "Community-based organization" has the meaning
assigned by 20 U.S.C. Section 7801.

1 Sec. 315.002. COMMISSION DUTIES. (a) The commission
2 shall:

3 (1) provide adequate staffing to develop, administer,
4 and support a comprehensive statewide adult education program and
5 coordinate related federal and state programs for the education and
6 training of adults;

7 (2) develop the mechanism and guidelines for the
8 coordination of comprehensive adult education and related skill
9 training services for adults with other entities, including public
10 agencies and private organizations, in planning, developing, and
11 implementing related programs;

12 (3) administer all state and federal funds for adult
13 education and related skill training services in this state, other
14 than funds that another entity is specifically authorized to
15 administer under other law;

16 (4) prescribe and administer standards and
17 accrediting policies for adult education;

18 (5) prescribe and administer rules for teacher
19 certification for adult education;

20 (6) accept and administer grants, gifts, services, and
21 funds from available sources for use in adult education;

22 (7) adopt or develop and administer a standardized
23 assessment mechanism for assessing all adult education program
24 participants who need literacy instruction, adult basic education,
25 or secondary education leading to an adult high school diploma or
26 the equivalent;

27 (8) monitor and evaluate educational and employment

1 outcomes of students who participate in the commission's adult
2 education and literacy programs; and

3 (9) collaborate with the Texas Education Agency to
4 improve the coordination and implementation of adult education and
5 literacy services in this state.

6 (b) The assessment mechanism prescribed by Subsection
7 (a)(7) must include an initial basic skills screening instrument
8 and must provide comprehensive information concerning baseline
9 student skills before and student progress after participation in
10 an adult education program.

11 (c) The commission may adopt rules for the administration of
12 this chapter.

13 Sec. 315.003. PROVISION OF ADULT EDUCATION PROGRAMS. Adult
14 education programs must be provided by public school districts,
15 public junior colleges, public universities, public nonprofit
16 agencies, and community-based organizations approved in accordance
17 with state statutes and rules adopted by the commission. The
18 programs must be designed to meet the education and training needs
19 of adults to the extent possible using available public and private
20 resources. Bilingual education may be used to instruct students
21 who do not function satisfactorily in English whenever it is
22 appropriate for those students' optimum development.

23 Sec. 315.004. ADULT EDUCATION ASSESSMENT. The commission
24 shall, in consultation with the Texas Higher Education Coordinating
25 Board, review the standardized assessment mechanism required under
26 Section 315.002(a)(7) and recommend any changes necessary to align
27 the assessment with the assessments designated under Section

1 51.3062, Education Code, to allow for the proper placement of a
2 student in an adult basic education course or to provide the student
3 with the proper developmental or English as a second language
4 course work, as appropriate.

5 Sec. 315.005. ADULT EDUCATION ADVISORY COMMITTEE. (a) In
6 this section, "advisory committee" means the adult education
7 advisory committee created under this section.

8 (b) The commission shall establish an adult education
9 advisory committee composed of not more than seven members
10 appointed by the commission. Members of the advisory committee
11 must have expertise in the field of adult education and may include
12 adult educators, providers, advocates, and current or former adult
13 education program students.

14 (c) The advisory committee shall advise the commission on:

15 (1) the development of policies and program priorities
16 that support the development of an educated and skilled workforce
17 in this state; and

18 (2) any other issue the commission considers
19 appropriate.

20 Sec. 315.006. STATE FUNDING. (a) Funds shall be
21 appropriated to implement statewide adult basic education, adult
22 bilingual education, high school equivalency, and high school
23 credit programs to eliminate illiteracy in this state and to
24 implement and support a statewide program to meet the total range of
25 adult needs for adult education and related skill training. The
26 commission shall ensure that public local education agencies,
27 public nonprofit agencies, and community-based organizations have

1 direct and equitable access to those funds.

2 **(b) In addition to any amount appropriated under Subsection**
3 **(a), the legislature may appropriate an additional amount to the**
4 **commission for the purpose of skill training in direct support of**
5 **industrial expansion and new business development in locations,**
6 **industries, and occupations designated by the commission, if the**
7 **training supports the basic purposes of this chapter. To support**
8 **the basic purposes of this chapter, the legislature may also**
9 **appropriate an additional amount to the commission for skill**
10 **training that is conducted to support the expansion of civilian**
11 **employment opportunities on United States military reservations.**

12 **Sec. 315.007. SERVICE PROVIDER CONTRACTS: COMPETITIVE**
13 **PROCUREMENT REQUIREMENT. (a) The commission shall use a**
14 **competitive procurement process to award a contract to a service**
15 **provider of an adult education program.**

16 **(b) The commission shall adopt rules to administer this**
17 **section.**

18 SECTION 189. Section 302.062(g), Labor Code, is amended to
19 read as follows:

20 (g) Block grant funding under this section does not apply
21 to:

22 (1) the work and family policies program under Chapter
23 81;

24 (2) a program under the skills development fund
25 created under Chapter 303;

26 (3) the job counseling program for displaced
27 homemakers under Chapter 304;

1 (4) the Communities In Schools program under
2 Subchapter E, Chapter 33, Education Code, to the extent that funds
3 are available to the commission for that program;

4 (5) the reintegration of offenders program under
5 Chapter 306;

6 (6) apprenticeship programs under Chapter 133,
7 Education Code;

8 (7) the continuity of care program under Section
9 501.095, Government Code;

10 (8) employment programs under Chapter 31, Human
11 Resources Code;

12 (9) the senior citizens employment program under
13 Chapter 101, Human Resources Code;

14 (10) the programs described by Section 302.021(b)(2);

15 (11) the community service program under the National
16 and Community Service Act of 1990 (42 U.S.C. Section 12501 et seq.);

17 (12) the trade adjustment assistance program under
18 Part 2, Subchapter II, Trade Act of 1974 (19 U.S.C. Section 2271 et
19 seq.);

20 (13) the programs to enhance the employment
21 opportunities of veterans; ~~and~~

22 (14) the functions of the State Occupational
23 Information Coordinating Committee; and

24 (15) the adult education program under Chapter 315.

25 SECTION 190. Section 504.002(b), Occupations Code, is
26 amended to read as follows:

27 (b) This chapter does not apply to an activity or service of

1 a person who:

2 (1) is employed as a counselor by a federal
3 institution and is providing chemical dependency counseling within
4 the scope of the person's employment;

5 (2) except as provided by Section 504.1515, is a
6 student, intern, or trainee pursuing a supervised course of study
7 in counseling at a regionally accredited institution of higher
8 education or training institution, if the person:

9 (A) is designated as a "counselor intern"; and

10 (B) is engaging in the activity or providing the
11 service as part of the course of study;

12 (3) is not a resident of this state, if the person:

13 (A) engages in the activity or provides the
14 service in this state for not more than 30 days during any year; and

15 (B) is authorized to engage in the activity or
16 provide the service under the law of the state of the person's
17 residence;

18 (4) is a licensed physician, psychologist,
19 professional counselor, or social worker;

20 (5) is a religious leader of a congregation providing
21 pastoral chemical dependency counseling within the scope of the
22 person's duties;

23 (6) is working for or providing counseling with a
24 program exempt under Subchapter C, Chapter 464, Health and Safety
25 Code;

26 (7) is a school counselor certified by the
27 commissioner of education [~~State Board for Educator~~]

1 ~~Certification~~]; or

2 (8) provides chemical dependency counseling through a
3 program or in a facility that receives funding from the Texas
4 Department of Criminal Justice and who is credentialed as:

5 (A) a certified criminal justice addictions
6 professional by the International Certification and Reciprocity
7 Consortium; or

8 (B) having certified criminal justice
9 professional applicant status issued by the Texas Certification
10 Board of Addiction Professionals.

11 SECTION 191. Section 501.004(b), Transportation Code, is
12 amended to read as follows:

13 (b) This chapter does not apply to:

14 (1) a trailer or semitrailer used only for the
15 transportation of farm products if the products are not transported
16 for hire;

17 (2) the filing or recording of a lien that is created
18 only on an automobile accessory, including a tire, radio, or
19 heater;

20 (3) a motor vehicle while it is owned or operated by
21 the United States; or

22 (4) a new motor vehicle on loan to a political
23 subdivision of the state for use only in a driver education course
24 approved by the Texas Department of Licensing and Regulation
25 [~~Central Education Agency~~].

26 SECTION 192. Section 521.1601, Transportation Code, as
27 added by Chapter 1253 (H.B. 339), Acts of the 81st Legislature,

1 Regular Session, 2009, is amended to read as follows:

2 Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department
3 may not issue a driver's license to a person who is younger than 21
4 years of age unless the person submits to the department a driver
5 education certificate issued under Chapter 1001, Education Code,
6 that states that the person has completed and passed:

7 (1) a driver education and traffic safety course
8 approved by the Texas Department of Licensing and Regulation
9 [~~Education Agency~~] under Section 29.902, Education Code, or a
10 driver education course approved by the Texas Department of
11 Licensing and Regulation [~~that agency~~] under Section 1001.101 of
12 that code or approved by the department under Section 521.205; or

13 (2) if the person is 18 years of age or older, a driver
14 education course approved by the Texas Department of Licensing and
15 Regulation [~~Education Agency~~] under Section 1001.101 or 1001.1015,
16 Education Code.

17 SECTION 193. Section 521.1601, Transportation Code, as
18 added by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature,
19 Regular Session, 2009, is amended to read as follows:

20 Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department
21 may not issue a driver's license to a person who is younger than 25
22 years of age unless the person submits to the department a driver
23 education certificate issued under Chapter 1001, Education Code,
24 that states that the person has completed and passed:

25 (1) a driver education and traffic safety course
26 approved by the Texas Department of Licensing and Regulation
27 [~~Education Agency~~] under Section 29.902, Education Code, or a

1 driver education course approved by the Texas Department of
2 Licensing and Regulation [~~that agency~~] under Section 1001.101
3 [~~1001.101(a)(1)~~] of that code or approved by the department under
4 Section 521.205; or

5 (2) if the person is 18 years of age or older, a driver
6 education course approved by the Texas Department of Licensing and
7 Regulation [~~Education Agency~~] under Section 1001.101 or 1001.1015
8 [~~Section 1001.101(a)(1) or (2)~~], Education Code.

9 SECTION 194. Section 521.1655(a), Transportation Code, is
10 amended to read as follows:

11 (a) A driver education school licensed under Chapter 1001,
12 Education Code, [~~the Texas Driver and Traffic Safety Education Act~~
13 [~~Article 4413(29c), Vernon's Texas Civil Statutes~~)] may administer
14 to a student of that school the vision, highway sign, and traffic
15 law parts of the examination required by Section 521.161.

16 SECTION 195. Section 521.167, Transportation Code, as added
17 by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular
18 Session, 2009, is amended to read as follows:

19 Sec. 521.167. WAIVER OF CERTAIN EDUCATION AND EXAMINATION
20 REQUIREMENTS. A person who has completed and passed a driver
21 education course approved by the Texas Department of Licensing and
22 Regulation [~~Education Agency~~] under Section 1001.1015, Education
23 Code, is not required to take the highway sign and traffic law parts
24 of the examination required under Section 521.161 if those parts
25 have been successfully completed as determined by a licensed driver
26 education instructor.

27 SECTION 196. Section 521.203, Transportation Code, is

1 amended to read as follows:

2 Sec. 521.203. RESTRICTIONS ON CLASS A AND B LICENSES. The
3 department may not issue a Class A or Class B driver's license to a
4 person who:

5 (1) is under 17 years of age;

6 (2) is under 18 years of age unless the person has
7 completed a driver training course approved by the Texas Department
8 of Licensing and Regulation [~~Central Education Agency~~]; or

9 (3) has not provided the department with an affidavit,
10 on a form prescribed by the department, that states that no vehicle
11 that the person will drive that requires a Class A or Class B
12 license is a commercial motor vehicle as defined by Section
13 522.003.

14 SECTION 197. Section 521.204(a), Transportation Code, is
15 amended to read as follows:

16 (a) The department may issue a Class C driver's license to
17 an applicant under 18 years of age only if the applicant:

18 (1) is 16 years of age or older;

19 (2) has submitted to the department a driver education
20 certificate issued under Section 1001.055, Education Code, that
21 states that the person has completed and passed a driver education
22 course approved by the department under Section 521.205 or by the
23 Texas Department of Licensing and Regulation [~~Education Agency~~];

24 (3) has obtained a high school diploma or its
25 equivalent or is a student:

26 (A) enrolled in a public school, home school, or
27 private school who attended school for at least 80 days in the fall

1 or spring semester preceding the date of the driver's license
2 application; or

3 (B) who has been enrolled for at least 45 days,
4 and is enrolled as of the date of the application, in a program to
5 prepare persons to pass the high school equivalency exam;

6 (4) has submitted to the department written parental
7 or guardian permission:

8 (A) for the department to access the applicant's
9 school enrollment records maintained by the Texas Education Agency;
10 and

11 (B) for a school administrator or law enforcement
12 officer to notify the department in the event that the person has
13 been absent from school for at least 20 consecutive instructional
14 days; and

15 (5) has passed the examination required by Section
16 521.161.

17 SECTION 198. Sections 521.205(b) and (d), Transportation
18 Code, are amended to read as follows:

19 (b) The department may not approve a course unless it
20 determines that the course materials are at least equal to those
21 required in a course approved by the Texas Department of Licensing
22 and Regulation [~~Education Agency~~], except that the department may
23 not require that:

24 (1) the classroom instruction be provided in a room
25 with particular characteristics or equipment; or

26 (2) the vehicle used for the behind-the-wheel
27 instruction have equipment other than the equipment otherwise

1 required by law for operation of the vehicle on a highway while the
2 vehicle is not being used for driver training.

3 (d) Completion of a driver education course approved under
4 this section has the same effect under this chapter as completion of
5 a driver education course approved by the Texas Department of
6 Licensing and Regulation [~~Education Agency~~].

7 SECTION 199. Sections 521.222(a) and (c), Transportation
8 Code, are amended to read as follows:

9 (a) The department or a driver education school licensed
10 under Chapter 1001, Education Code, [~~the Texas Driver and Traffic~~
11 ~~Safety Education Act (Article 4413(29c), Vernon's Texas Civil~~
12 ~~Statutes)~~] may issue an instruction permit, including a Class A or
13 Class B driver's license instruction permit, to a person who:

14 (1) is 15 years of age or older but under 18 years of
15 age;

16 (2) has satisfactorily completed and passed the
17 classroom phase of an approved driver education course, which may
18 be a course approved under Section 521.205;

19 (3) meets the requirements imposed under Section
20 521.204(a)(3) [~~521.204(3)~~]; and

21 (4) has passed each examination required under Section
22 521.161 other than the driving test.

23 (c) A driver education school may issue an instruction
24 permit to a person 18 years of age or older who has successfully
25 passed:

26 (1) a six-hour adult classroom driver education course
27 approved by the Texas Department of Licensing and Regulation

1 ~~[Education Agency]~~; and

2 (2) each part of the driver's examination required by
3 Section 521.161 other than the driving test.

4 SECTION 200. Sections 543.111 and 543.112, Transportation
5 Code, are amended to read as follows:

6 Sec. 543.111. REGULATION BY CERTAIN STATE AGENCIES. (a)
7 The Texas Commission of Licensing and Regulation ~~[State Board of~~
8 ~~Education]~~ shall enter into a memorandum of understanding with the
9 Texas Department of Insurance for the interagency development of a
10 curriculum for driving safety courses.

11 (b) The Texas Commission of Licensing and Regulation and
12 Texas Department of Licensing and Regulation, as appropriate,
13 ~~[Education Agency]~~ shall:

14 (1) adopt and administer comprehensive rules
15 governing driving safety courses; and

16 (2) investigate options to develop and implement
17 procedures to electronically transmit information pertaining to
18 driving safety courses to municipal and justice courts.

19 Sec. 543.112. STANDARDS FOR UNIFORM CERTIFICATE OF COURSE
20 COMPLETION. (a) The Texas Commission of Licensing and Regulation
21 ~~[Education Agency]~~ by rule shall provide for the design and
22 distribution of uniform certificates of course completion so as to
23 prevent to the greatest extent possible the unauthorized production
24 or misuse of the certificates.

25 (b) The uniform certificate of course completion must
26 include an identifying number by which the Texas Department of
27 Licensing and Regulation ~~[Education Agency]~~, the court, or the

1 department may verify its authenticity with the course provider and
2 must be in a form adopted by the Texas Department of Licensing and
3 Regulation [~~Education Agency~~].

4 (c) The Texas Department of Licensing and Regulation
5 [~~Education Agency~~] shall issue duplicate uniform certificates of
6 course completion. The Texas Commission of Licensing and
7 Regulation [~~State Board of Education~~] by rule shall determine the
8 amount of the fee to be charged for issuance of a duplicate
9 certificate.

10 (d) A driving safety course provider shall electronically
11 submit data identified by the Texas Department of Licensing and
12 Regulation [~~Education Agency~~] pertaining to issued uniform
13 certificates of course completion to the Texas Department of
14 Licensing and Regulation [~~agency~~] as directed by the Texas
15 Department of Licensing and Regulation [~~agency~~].

16 SECTION 201. Sections 543.113(a) and (c), Transportation
17 Code, are amended to read as follows:

18 (a) The Texas Department of Licensing and Regulation
19 [~~Education Agency~~] shall print the uniform certificates and supply
20 them to persons who are licensed providers of courses approved
21 under Chapter 1001, Education Code [~~the Texas Driver and Traffic~~
22 ~~Safety Education Act (Article 4413(29c), Vernon's Texas Civil~~
23 ~~Statutes)~~]. The Texas Commission of Licensing and Regulation by
24 rule shall establish [~~Agency may charge~~] a fee for each
25 certificate. [~~The fee may not exceed \$4.~~]

26 (c) Money collected by the Texas Department of Licensing and
27 Regulation [~~Education Agency~~] under this section may be used only

1 to pay monetary awards for information relating to abuse of uniform
2 certificates that leads to the conviction or removal of an
3 approval, license, or authorization.

4 SECTION 202. Section 543.114(a), Transportation Code, is
5 amended to read as follows:

6 (a) A person may not distribute written information to
7 advertise a provider of a driving safety course within 500 feet of a
8 court having jurisdiction over an offense to which this subchapter
9 applies. A violation of this section by a provider or a provider's
10 agent, employee, or representative results in loss of the
11 provider's status as a provider of a course approved under Chapter
12 1001, Education Code [~~the Texas Driver and Safety Education Act~~
13 ~~(Article 4413(29c), Vernon's Texas Civil Statutes)~~].

14 SECTION 203. Section 545.412(g), Transportation Code, is
15 amended to read as follows:

16 (g) A judge, acting under Article 45.0511, Code of Criminal
17 Procedure, who elects to defer further proceedings and to place a
18 defendant accused of a violation of this section on probation under
19 that article, in lieu of requiring the defendant to complete a
20 driving safety course approved by the Texas Department of Licensing
21 and Regulation [~~Education Agency~~], shall require the defendant to
22 attend and present proof that the defendant has successfully
23 completed a specialized driving safety course approved by the Texas
24 Department of Licensing and Regulation [~~Education Agency~~] under
25 Chapter 1001, Education Code, [~~the Texas Driver and Traffic Safety~~
26 ~~Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~]
27 that includes four hours of instruction that encourages the use of

child passenger safety seat systems and the wearing of seat belts and emphasizes:

(1) the effectiveness of child passenger safety seat systems and seat belts in reducing the harm to children being transported in motor vehicles; and

(2) the requirements of this section and the penalty for noncompliance.

SECTION 204. Section 545.413(i), Transportation Code, is amended to read as follows:

(i) A judge, acting under Article 45.0511, Code of Criminal Procedure, who elects to defer further proceedings and to place a defendant accused of a violation of Subsection (b) on probation under that article, in lieu of requiring the defendant to complete a driving safety course approved by the Texas Department of Licensing and Regulation [~~Education Agency~~], shall require the defendant to attend and present proof that the defendant has successfully completed a specialized driving safety course approved by the Texas Department of Licensing and Regulation [~~Education Agency~~] under Chapter 1001, Education Code, [~~the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~] that includes four hours of instruction that encourages the use of child passenger safety seat systems and the wearing of seat belts and emphasizes:

(1) the effectiveness of child passenger safety seat systems and seat belts in reducing the harm to children being transported in motor vehicles; and

(2) the requirements of this section and the penalty

1 for noncompliance.

2 SECTION 205. (a) The following provisions of the Education
3 Code are repealed:

- 4 (1) Section 7.009;
- 5 (2) Sections 7.021(b) and (c);
- 6 (3) Sections 7.055(b)(1), (2), (3), (4), (5), (6),
7 (7), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19),
8 (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30),
9 (31), (32), (34), (35), (36), (37), (38), (39), and (41);
- 10 (4) Section 7.055(c);
- 11 (5) Section 7.102(c)(16);
- 12 (6) Section 11.201(c);
- 13 (7) Section 11.254;
- 14 (8) Section 12.1055(b);
- 15 (9) Section 12.107(b);
- 16 (10) Section 12.115(b);
- 17 (11) Section 13.052;
- 18 (12) Section 21.007(a);
- 19 (13) Sections 21.032, 21.033, 21.034, 21.035, 21.036,
20 21.037, and 21.038;
- 21 (14) Section 21.041(a);
- 22 (15) Sections 21.042 and 21.043;
- 23 (16) Sections 21.254(c) and (d);
- 24 (17) Section 21.4541;
- 25 (18) Section 22.0831(a);
- 26 (19) Section 25.001(e);
- 27 (20) Sections 29.095, 29.096, 29.097, 29.098, and

1 29.099;

2 (21) Sections 29.251(1), (2), and (3);

3 (22) Sections 29.253, 29.2531, 29.2535, and 29.254;

4 (23) Section 29.917;

5 (24) Section 34.015;

6 (25) Section 38.104;

7 (26) Section 39.037(g);

8 (27) Section 39.0822;

9 (28) Sections 39.0823(b) and (c);

10 (29) Section 39.203(c);

11 (30) Section 39.204;

12 (31) the heading to Subchapter M, Chapter 39;

13 (32) Sections 39.401, 39.402, 39.403, 39.404, 39.405,

14 39.406, 39.407, 39.408, 39.410, 39.411, 39.412, 39.414, 39.415, and

15 39.416;

16 (33) Sections 42.152(q), (q-1), (q-2), (q-3), (q-4),

17 and (r);

18 (34) Section 45.208(e);

19 (35) Section 1001.001(1);

20 (36) Section 1001.006;

21 (37) Section 1001.454;

22 (38) Sections 1001.460 and 1001.461; and

23 (39) Sections 1001.551 and 1001.552.

24 (b) Section 411.090, Government Code, is repealed.

25 (c) Section 521.167, Transportation Code, as added by

26 Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular

27 Session, 2009, is repealed.

1 SECTION 206. An open-enrollment charter school is subject
2 to revocation of its charter under Section 12.1165, Education Code,
3 as added by this Act, beginning June 1, 2014, based on school
4 performance during preceding school years.

5 SECTION 207. (a) The State Board for Educator
6 Certification is abolished September 1, 2013. On that date, all
7 powers, duties, obligations, rights, contracts, leases, records,
8 personnel, property, and unspent and unobligated appropriations
9 and other funds of the State Board for Educator Certification are
10 transferred to the Texas Education Agency. Before that date, the
11 Texas Education Agency, with the agreement of the State Board for
12 Educator Certification, may transfer any records, personnel, or
13 property of the State Board for Educator Certification to the Texas
14 Education Agency in preparation for the transfer provided for in
15 this Act.

16 (b) The abolishment of the State Board for Educator
17 Certification does not affect the validity of a right, privilege,
18 or obligation accrued, a contract or acquisition made, any
19 liability incurred, a certificate issued, a penalty, forfeiture, or
20 punishment assessed, a rule adopted, a proceeding, investigation,
21 or remedy begun, a decision made, or other action taken by or in
22 connection with the State Board for Educator Certification. A
23 certificate issued by the State Board for Educator Certification
24 under Subchapter B, Chapter 21, Education Code, before September 1,
25 2013, is considered a certificate issued by the Texas Education
26 Agency.

27 (c) All rules, policies, procedures, and decisions of the

1 State Board for Educator Certification are continued in effect as
2 rules, policies, procedures, and decisions of the commissioner of
3 education and the Texas Education Agency until superseded by a rule
4 or other appropriate action of the Texas Education Agency.

5 (d) Any action or proceeding before the State Board for
6 Educator Certification is transferred without change in status to
7 the commissioner of education and the Texas Education Agency, and
8 the commissioner and the agency assume, without a change in status,
9 the position of the State Board for Educator Certification in any
10 action or proceeding to which the State Board for Educator
11 Certification is a party.

12 SECTION 208. (a) On September 1, 2013:

13 (1) the administration of adult education programs
14 shall be transferred from the Texas Education Agency to the Texas
15 Workforce Commission;

16 (2) all rules, policies, procedures, and decisions of
17 the Texas Education Agency, the commissioner of education, or the
18 State Board of Education relating to the administration of adult
19 education programs are continued in effect as rules, policies,
20 procedures, and decisions of the Texas Workforce Commission until
21 superseded by a rule or other appropriate action by the Texas
22 Workforce Commission;

23 (3) a reference in law or administrative rule to the
24 Texas Education Agency, the commissioner of education, or the State
25 Board of Education relating to the administration of adult
26 education programs means the Texas Workforce Commission; and

27 (4) all money, contracts, leases, property, and

obligations of the Texas Education Agency relating to the administration of adult education programs are transferred to the Texas Workforce Commission.

(b) The Texas Workforce Commission shall hold public hearings to develop rules to establish a new allocation formula for adult education provider grants under Chapter 315, Labor Code, as added by this Act.

(c) The Texas Workforce Commission shall adopt and implement the new allocation formula for adult education provider grants beginning with the 2014-2015 school year.

SECTION 209. (a) On September 1, 2013:

(1) all functions and activities relating to Chapter 1001, Education Code, performed by the Texas Education Agency immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the commissioner of education that relates to Chapter 1001, Education Code, is a rule or form of the Texas Commission of Licensing and Regulation or the Texas Department of Licensing and Regulation, as applicable, and remains in effect until amended or replaced by that commission or department;

(3) a reference to the Texas Education Agency in a law or administrative rule that relates to Chapter 1001, Education Code, means the Texas Commission of Licensing and Regulation or the Texas Department of Licensing and Regulation, as applicable;

(4) a complaint, investigation, or other proceeding before the Texas Education Agency that is related to Chapter 1001,

1 Education Code, is transferred without change in status to the
2 Texas Department of Licensing and Regulation, and the Texas
3 Department of Licensing and Regulation assumes, as appropriate and
4 without a change in status, the position of the Texas Education
5 Agency in an action or proceeding to which the Texas Education
6 Agency is a party;

7 (5) all money, contracts, leases, property, and
8 obligations of the Texas Education Agency related to Chapter 1001,
9 Education Code, are transferred to the Texas Department of
10 Licensing and Regulation;

11 (6) all property in the custody of the Texas Education
12 Agency related to Chapter 1001, Education Code, is transferred to
13 the Texas Department of Licensing and Regulation; and

14 (7) the unexpended and unobligated balance of any
15 money appropriated by the legislature for the Texas Education
16 Agency related to Chapter 1001, Education Code, is transferred to
17 the Texas Department of Licensing and Regulation.

18 (b) Before September 1, 2013, the Texas Education Agency may
19 agree with the Texas Department of Licensing and Regulation to
20 transfer any property of the Texas Education Agency to the Texas
21 Department of Licensing and Regulation to implement the transfer
22 required by this Act.

23 SECTION 210. The changes in law made by this Act to Chapter
24 1001, Education Code, apply only to a fee charged on or after
25 September 1, 2013. A fee charged before September 1, 2013, is
26 governed by the law in effect immediately before that date, and the
27 former law is continued in effect for that purpose.

H.B. No. 2983

1 SECTION 211. To the extent of any conflict, this Act
2 prevails over another Act of the 83rd Legislature, Regular Session,
3 2013, relating to nonsubstantive additions to and corrections in
4 enacted codes.

5 SECTION 212. This Act takes effect September 1, 2013.